



ETHICS COMMITTEE

REPORT NO. 157

MATTER OF PRIVILEGE REFERRED BY THE SPEAKER ON 16 DECEMBER 2014 RELATING TO AN ALLEGED USE OF THE BROADCAST OF THE PROCEEDINGS OF THE QUEENSLAND PARLIAMENT IN CONTRAVENTION OF THE TERMS AND CONDITIONS

Introduction and background

1. The Ethics Committee (the committee) is a statutory committee of the Queensland Parliament established under section 102 of the *Parliament of Queensland Act 2001* (the POQA). The current committee was appointed by resolution of the Legislative Assembly on 27 March 2015.
2. The committee's area of responsibility includes dealing with complaints about the ethical conduct of particular members and dealing with alleged breaches of parliamentary privilege by members of the Assembly and other persons.¹ The committee investigates and reports on matters of privilege and possible contempts of parliament referred to it by the Speaker or the House.
3. The matter in this report concerns an allegation that Together Queensland, a union in Queensland (the Together Union) used footage from the broadcast of the proceedings of the Parliament in an advertisement in contravention of the Parliament's Broadcast Terms and Conditions (the Terms and Conditions)². The advertisement in question was broadcast on commercial television and was available on YouTube.
4. On 26 November 2014, the Clerk of the Parliament informed former Speaker Simpson that it has come to his attention that advertising by the Together Union featured footage from the broadcast of proceedings of the Parliament.
5. In his letter to former Speaker Simpson, the Clerk explained that he had written to the Together Union's Secretary, Mr Alex Scott, to draw his attention to the Terms and Conditions and urge him to take immediate action to withdraw the footage from the advertisement. The Clerk stated that, despite further correspondence with the Together Union's legal representatives, the publication of the advertisement was not withdrawn.

¹ *Parliament of Queensland Act 2001*, section 104B.

² Queensland Parliament's Broadcast Terms and Conditions are available at: <http://www.parliament.qld.gov.au/work-of-committees/broadcast-committee/terms-and-conditions>.

6. On 16 December 2014, after examining the information before her, former Speaker Simpson decided to refer the matter to the Ethics Committee of the 54th Parliament (the former committee), in accordance with Standing Order 268(2).
7. On 6 January 2015, the Acting Governor dissolved, by Proclamation, the 54th Parliament of Queensland. The Ethics Committee of the 54th Parliament was also dissolved on this date.
8. The Ethics Committee of the 55th Parliament (the committee) was established by the Legislative Assembly on 27 March 2015. On 23 April 2015, the committee resolved to continue the consideration of this matter, in accordance with section 105 of the POQA.
9. The committee invited the Together Union's Secretary to provide submissions to the committee. The committee received submissions from the Together Union's legal representatives on 21 May 2015 and 19 June 2015.
10. The committee also sought information from Google Australia and Google Inc. (the owners of YouTube) and GameChanger Media (a media company engaged by Together Union) in relation to the availability of the Together Union's advertisement.

Committee Membership

11. On 16 July 2015, the Speaker advised that in accordance with Standing Order 272 the Member for Noosa would stand aside from consideration of this matter and that the Member for Chatsworth would replace the Member for Noosa during the committee's consideration of this matter in accordance with Standing Order 272(2).

The referral

12. In her letter to the former committee, former Speaker Simpson stated that the matter:
... related to the seemingly unprecedented refusal of a person or organisation to cease using the Parliament's broadcast of proceedings in political advertising after being made aware by the Clerk that they may be in contempt of parliament.

Definition of contempt

13. Section 37 of the POQA defines the meaning of *contempt* of the Assembly as follows:
 - (1) *"Contempt" of the Assembly means a breach or disobedience of the powers, rights or immunities, or a contempt, of the Assembly or its members or committees.*
 - (2) *Conduct, including words, is not contempt of the Assembly unless it amounts, or is intended or likely to amount, to an improper interference with—*
 - (a) *the free exercise by the Assembly or a committee of its authority or functions; or*
 - (b) *the free performance by a member of the member's duties as a member.*

Nature of the contempt of using footage of the broadcast of parliamentary proceedings in contravention of the Terms and Conditions

14. Section 58 of the POQA provides that the Legislative Assembly may, at any time, impose conditions on the publication of a parliamentary record, including the broadcast of proceedings of Parliament. Any such conditions apply regardless of whether the parliamentary record has been published previously or whether the Assembly authorises or has authorised the publication.

15. The Conditions for Broadcasters of Proceedings, adopted by the Assembly on 5 June 2007, authorise the further publication of the proceedings and excerpts of proceedings of the Legislative Assembly, subject to a number of terms and conditions.
16. The Terms and Conditions provide that the further publication of the broadcast of proceedings shall be used only for the purpose of fair and accurate reports of proceedings and shall not be used for:
 - a) political party advertising or election campaigning;
 - b) satire or ridicule; and
 - c) commercial sponsorship or commercial advertising.
17. The Terms and Conditions also state that reports of proceedings shall provide a balanced presentation of differing views and excerpts of proceedings are to be placed in context.
18. Section 58(3) of the POQA provides that the publication of a parliamentary record in contravention of a condition imposed by the Assembly is a contempt of the Assembly.

Establishing a prima facie case of possible contempt

19. The committee has established procedures for dealing with privileges references, which ensure procedural fairness and natural justice is afforded to all parties. These procedures are set out in Chapters 44 and 45 of the Standing Orders. The committee is also bound by the *Instructions to committees regarding witnesses* contained in Schedule 3 of the Standing Orders.
20. The committee found that it had sufficient material before it to deliberate on the matter. This material included correspondence from the former Speaker and submissions provided to the committee by the Together Union's legal representatives and information received from Google Australia, Google Inc. and GameChanger Media.
21. The issues to be resolved in establishing whether the allegation, on the face of it, gives rise to a contempt are listed below.
 - Was the footage of the broadcast of proceedings used for political party advertising or election campaigning?
 - Did the use of the footage of the broadcast of proceedings amount, or was intended or likely to amount, to an improper interference with the free exercise by the Assembly of its authority or functions?

Was the footage of the broadcast of proceedings used for *political party advertising or election campaigning*?

22. In its submission of 21 May 2015, the Together Union's legal representatives stated that:

... the material was used in an advertisement produced by our client with the intent of informing their members and the wider public about the Government's position with respect to public sector employment. This is an appropriate activity in a healthy democracy.
23. The committee acknowledges it is widely accepted that, as part of a healthy democracy, it is appropriate for third party organisations to comment upon and inform their members and the public about the actions of Government, including as part of an election campaign.
24. The role of third party organisations in the democratic process, however, was not the issue before the committee. The issue before the committee was whether the Together Union used footage of the broadcast of the proceedings of parliament for *political party advertising or election campaigning*, in breach of the Terms and Conditions.

Political party advertising

25. The Terms and Conditions do not currently define the term *political party advertising*. In the absence of such a definition, the committee had regard to the Commonwealth Parliament's *Rules for media related activity in Parliament House and its precincts* (the Commonwealth Rules), which prescribes the rules for the use of the broadcast of proceedings of the House of Representatives and the Senate, and on which the Queensland Terms and Conditions were based. The Commonwealth Rules define *political party advertising* as:

*... advertising or marketing communications authorised by a political party that includes, but is not limited to, hard copy publications – such as pamphlets, posters and billboards—and material on radio, television, the internet or social media.*³

26. The committee also had regard to *Broadcasting Services Act 1992* (Cwlth) (the Broadcasting Act). The Broadcasting Act provides that when broadcasting a *political matter* at the request of another person, a broadcaster must cause the announcement of certain particulars, including the name of the authorising person and town, city or suburb in which the person lives (an authorisation statement).
27. The committee also noted the Advertising Standards Bureau's (the administrator of the national system of advertising self-regulation) definition of political advertising:

Political advertising is advertising that attempts to influence or comment upon a matter which is currently the subject of extensive political debate.

Political advertising does not necessarily include all advertising by governments or organisations that are at times involved in the political process, such as lobby groups or interest groups. Such advertising may be regarded as informational or educational rather than political, as determined on a case-by-case basis and complaints about these advertisements which raise issues under section 2 of the AANA Code of Ethics may be considered by the Board.

*Political advertising includes but is not limited to election advertising. The number of complaints received about political advertising often increases during election periods.*⁴

28. In their submissions to the committee, the Together Union's legal representatives stated that "The Together Union is not a political party and did not use the footage in advertising to promote a particular party." They also stated that:

The advertisement was produced with the intention of informing members of the Union and the public of the then-Government's stance on public sector employment. It was intended to inform members and the public of pre-election commitments made by the former Government and contrast those commitments with the policy implemented during their term in Government. The content related to the genuine industrial interests of our client's members.

29. The committee considered that the Together Union's use of footage of the broadcast of parliamentary proceedings was consistent within the Advertising Standards Bureau's definition of *political advertising*, as the advertisement commented upon, and arguably attempted to influence, a matter which is the subject of political debate, in this instance, public sector employment and conditions.
30. The committee also considered there was evidence that the Together Union and the third party broadcasters considered that the advertisement contained *political matter*, as an authorisation

³ Parliament of Australia, *Rules for media related activity in Parliament House and its precincts*, November 2012, p. 16.

⁴ The Advertising Standards Bureau, *Political and Election Advertising*, accessed on 28 July 2015 from <http://www.adstandards.com.au/process/theprocesssteps/specificproductsandissues/politicalandelectionadvertising>.

statement was included at the end of the advertisement, as required under the Broadcasting Act.

31. However, as outlined at paragraph 16, the Terms and Conditions use a narrower term than *political advertising* and *political matter*, and prohibit the use of the broadcast of parliamentary proceedings for *political party advertising*.
32. The Together Union is not a registered political party and the noted that the advertisement makes no reference to any political party and that there was no evidence, before the committee, that the advertisement was authorised by a political party, as per the Commonwealth Rule's definition of *political party advertising*.
33. Accordingly, the committee found that while there was a case that the Together Union used the footage of the broadcast of parliamentary proceedings for *political advertising*, the committee could not find that the footage was used for *political party advertising*, as prohibited by the Terms and Conditions.

Election campaigning

34. The term *election campaigning* is also not defined in the Terms and Conditions. In considering this matter, the committee once again had regard to the Commonwealth Rules which define the term *election campaign* as:

... activities during an election period (as defined in the Commonwealth Electoral Act 1918) that are intended or are likely to affect voting in the election.

The Commonwealth's definition clarifies that these activities are not necessarily limited to parties or candidates contesting the election.⁵

35. The committee also had regard to relevant provisions in the *Electoral Act 1992 (Qld)* and the *Electoral Act 1918 (Cwth)*, including the definitions of *electoral matter*⁶ and *electoral advertising*⁷. The committee also noted the following guidance from the Advertising Standards Bureau's about electoral advertising:

*Advertising or marketing communications are generally regarded as "election advertising" where they contain material intended or likely to affect voting in an upcoming election. Election advertising is not necessarily limited to advertising by parties or candidates contesting an election and may include advertising outside of an election period where there is a relevant connection to an election. Generally, it will not include government information or education campaigns outside of an election period.*⁸

36. In relation to this matter, the committee considers that the activity, in question, was the Together Union's publication of, and subsequent failure to remove from YouTube, an advertisement containing footage of the proceedings of Parliament.
37. Based on the definition in the Commonwealth Rules, the committee considers that in order for the Together Union's activity to be considered *election campaigning* the following two tests must be met:
 - did the Together Union's actions mean that the advertisement was available during the *election period*; and

⁵ Parliament of Australia, *Rules for media related activity in Parliament House and its precincts*, November 2012, p. 15.

⁶ *Electoral Act 1992 (Qld)*, section 2 and *Commonwealth Electoral Act 1918*, section 4.

⁷ *Electoral Act 1992 (Qld)*, sections 181-185 and *Commonwealth Electoral Act 1918*, sections 328-328A.

⁸ The Advertising Standards Bureau, *Political and Election Advertising*, accessed on 28 July 2015 from <http://www.adstandards.com.au/process/theprocesssteps/specificproductsandissues/politicalandelectionadvertising>.

- were the Together Union's actions intended or likely to affect voting in the election?

Did the Together Union's actions mean that the advertisement was available during the election period?

38. The *Electoral Act 1918 (Cwth)* defines *election period* as the period commencing on the day of issue of the writ for the election and ending at the latest time on polling day at which an elector in Australia could enter a polling booth for the purpose of casting a vote in the election.
39. This definition is consistent with electoral legislation in Queensland, the *Electoral Act 1992 (Qld)*, which defines the *election period* as the period beginning on the day after the writ for the election is issued and ending at 6:00pm on the polling day for the election – in the case of the 2015 General Election, the election period was 6 to 31 January 2015.
40. In its submission of 21 May 2015, the Together Union's legal representatives stated that the advertisement was not shown on commercial television after 13 December 2014 - outside of the *election period* (6 to 31 January 2014). The Together Union's legal representatives also stated that the media company it used to manage its advertising, GameChanger Media, confirmed that the advertisement was shown on commercial televisions as follows:
- Channel 10, between 2 November and 13 December 2014;
 - Channel 7, between 2 and 8 November 2014; and
 - Channel 9, between 2 and 30 November 2014.
41. The committee wrote to GameChanger Media who confirmed the information provided by the Together Union's legal representatives.
42. During the committee's consideration of this matter, however, it was identified that the Together Union's advertisement had been posted on YouTube on 30 October 2014 and remained available for viewing on that platform during the *election period*.
43. Accordingly, the committee wrote to the Together Union on 4 June 2015 seeking further information about the availability of the advertisement on YouTube.
44. In its supplementary submission of 19 June 2015, the Together Union's legal representatives stated that:
- The Union paid for the advertisement to be placed and appear as paid advertising on YouTube until early December 2014. The Union ceased paying for the advertisement to appear on YouTube well before the election was called on 6 January 2015.*
45. The Together Union accepts, however, that the content of the advertisement remained on YouTube during the *election period*. In its further submission, the Together Union's legal representatives stated that "The failure to remove the advertisement [from YouTube] was an oversight by the Union for which it sincerely apologises to the Assembly."
46. However, the Together Union's legal representatives contend:
- Whilst the content remained on YouTube throughout the election period, it was not available as paid advertising. That is, the video could be accessed by anyone searching for it but it was not broadcast in the sense that it was not advertised to a viewer prior to watching another video for which they had searched or selected.*
47. Whilst the committee found that the advertisement was, at least, available to be viewed during the *election period* and therefore, potentially, may have affected voting in the election, the committee found that any effect on voting in the election would be extremely low in circumstances where the number of times that the advertisement was viewed during the *election period* was also low.

Were the Together Union's actions intended or likely to affect voting in the election?

48. The Together Union contends that its advertisement was not intended to affect or influence voting in the election and did not form part of an election campaign by the union.

49. The Together Union's Secretary was quoted in the media in November 2014, at the time that the advertisement was broadcast on commercial television, as stating that:

We want to change the premier's mind rather than change how people vote.⁹

50. In its submissions of 21 May and 19 June 2015, the Together Union's legal representatives stated that:

The advertisement could also not be said to be campaigning. It did not promote one candidate over another, suggest a vote for one party over another or in any way suggest an affiliation with a particular political party.

...

The advertisement did not refer to the election nor call for viewers to vote in a particular way at the election, yet to be called at the time the advertisement was shown on television.

...

The advertisement was intended to provide information to the membership of the Union and the wider public, create public debate and persuade the Government at the time to change its policy position. The advertisement was not designed to directly affect the outcome of the election but to attempt to influence negotiations with the Government in respect of public sector pay and conditions. These aims are consistent with promoting the political debate necessary to foster a strong democracy.

51. The committee accepts that the Together Union's advertisement did not mention an election, any political parties or explicitly encourage the viewer to vote for any particular party. The committee also notes that the advertisement closes with the following statement "Campbell Newman, it's not too late to start keeping your promises".

52. The committee considered, however, that whilst it was arguable that a reasonable person on viewing the content of the advertisement would be of the view that the Together Union did not support former Premier Newman's, and his party's, actions in Government, a conclusion of this nature would depend on the facts of each individual case.

53. The committee also considered that it was also arguable that the content of the Together Union's advertisement commented on topics, i.e. public sector employment conditions, which were to be contested at the election and may have (whether intended or not) encouraged those who saw the advertisement not to vote for Premier Newman and his party due to their stance on public sector employment issues. However, once again, a conclusion of this nature would depend of the facts of each individual case.

54. On this basis, the committee were of the view that the content of the Together Union's advertisement may have been capable of influencing those people who viewed it and, therefore, may have affected voting in the election. However, it is noted that at the time of the broadcast of the advertisement on commercial television and as paid advertising on YouTube, no election had been called and therefore it is arguable that any nexus to the prohibition in the Terms and Conditions is rebutted.

⁹ The Guardian, *Union to defy order to remove Campbell Newman footage from ad*, published on 5 November 2014, available at: <http://www.theguardian.com/australia-news/2014/nov/05/union-to-defy-order-to-remove-campbell-newman-footage-from-ad>.

55. In order to determine whether the Together Union used footage of the broadcast of proceedings for *election campaigning*, as prohibited by the Terms and Conditions, the committee needed to consider whether the Together Union's actions during the *election period*, in not removing the advertisement from YouTube, were intended or likely to affect voting in the election.
56. The committee considered that it is arguable that in certain circumstances the act of unintentionally leaving the advertisement on YouTube during the *election period* could theoretically meet the test of an activity likely to affect voting in an election.
57. However, in this case, the committee notes that the advertisement was not readily available and that in order to view the advertisement, persons were required to actively search for the advertisement – which may demonstrate some previous knowledge of the existence of the advertisement or at least an interest in the activities of the Together Union.
58. As at 25 May 2015, the YouTube page displaying the Together Union's advertisement indicated that the advertisement had been viewed 181,244 times. The committee sought information from Google Australia and Google Inc. about the number of times the Together Union's advertisement was viewed on YouTube during the *election period*. Unfortunately, at the time of this report the committee has not been provided with the requested information.
59. However, based on the material available to the committee, the committee considers that the likelihood of a significant number of members of the public finding and watching the advertisement on YouTube during the *election period*, and therefore being influenced by the advertisement in relation to how they would vote in the election, was low.
60. Accordingly, the committee considered, on the evidence before it, that the Together Union's inadvertent failure to remove the advertisement from YouTube may not have constituted activity that was likely to affect voting in the election, and even if it did constitute such activity then such activity was unlikely to affect voting in the election in a significant way.
61. On this basis, the committee concluded that that the Together Union's used footage of the broadcast of proceedings of parliament did not constitute a breach of the current Terms and Conditions.
62. The committee considers that, in other circumstances, for example, if there was evidence of activity during the *election period* to draw people's attention to the existence of an advertisement containing Parliamentary images on the Internet, then, the committee might find a breach of the Terms and Conditions.

Did the use of the broadcast amount, or was intended or likely to amount, to an improper interference with the free exercise by the Assembly of its authority or functions?

63. For completeness, the committee considered whether the use of footage of the broadcast of proceedings in breach of the Terms and Conditions would constitute a contempt of Parliament.
64. Section 58(3) of the POQA provides that the publication of a parliamentary record in contravention of a condition of the Assembly is a contempt. The effect of section 58(3) of the POQA is that the Legislative Assembly has prescribed that for its proper functioning, any publication of a parliamentary record must be in accordance with the Terms and Conditions authorised and set by the Assembly.
65. Accordingly, any breach of the Terms and Conditions without any exculpatory factors by logical extension would constitute an improper interference with the free exercise of the Assembly's authority and functions as prescribed by the House and, therefore, constitute a contempt of Parliament. However, given the facts of this case, the committee finds no contempt in relation to this matter.

Review of Terms and Conditions

66. During the committee's consideration of this matter, the committee sought the Clerk of Parliament's advice about the application of the Terms and Conditions and methods of enforcement (**Appendix A**).
67. Based on the Clerk of Parliament's advice and the committee's observations when considering this matter, the committee suggests that the Committee of the Legislative Assembly review the current Terms and Conditions with a view to ensuring that they:
1. meet the current and future needs of Parliament;
 2. are enforceable in light of the continuing technological revolution of media and social media platforms;
 3. do not unnecessarily hinder the rights of the public to participate in democratic processes and express a point of view;
 4. are clearly understood by the public and broadcasters and other like organisations; and
 5. are more readily enforced by the Speaker (or delegate), this committee and the House.

Conclusions

68. On all the information before it, the committee found that the Together Union's use of the footage of the broadcast of proceedings of Parliament did not constitute a breach of the Parliament's Broadcast Terms and Conditions.
69. In the circumstances and in light of the Together Union's apology to the Assembly for the inadvertent failure to remove the advertisement from YouTube, the committee recommends that the House take no further action in relation to this matter.

Conclusion

On the information before it, the committee found that the Together Union's use of the footage of the broadcast of proceedings of Parliament did not constitute a breach of the Parliament's Broadcast Terms and Conditions.

The committee finds no contempt in relation to this matter

However, the committee notes that in other circumstances such as where there was evidence of activity during an election period to draw people's attention to an advertisement containing parliamentary images on the Internet the committee might find a breach of the terms and conditions.

Recommendation

The committee recommends that the House take no further action in relation to the matter.

Suggestion

The committee suggests that the Committee of the Legislative Assembly review the current Terms and Conditions with a view to ensuring that they:

1. meet the current and future needs of Parliament;
2. are enforceable in light of the continuing technological revolution of media and social media platforms;
3. do not unnecessarily hinder the rights of the public to participate in democratic processes and express a point of view;
4. to ensure they are clearly understood by the public and broadcasters and other like organisations; and
5. are more readily enforced by the Speaker (or delegate), this committee and the House.



Mark Ryan MP
Chair

October 2015

Membership — 55th Parliament

Mr Mark Ryan MP, Chair
Member for Morayfield

Mr Glen Elmes MP, Deputy Chair
Member for Noosa¹⁰

Mr Steve Minnikin MP
Member for Chatsworth¹¹

Ms Nikki Boyd MP
Member for Pine Rivers

Mr Jim Madden MP
Member for Ipswich West

Mr Matt McEachan MP
Member for Redlands

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¹⁰ On 14 July 2015, the Leader of the Opposition advised the committee of the Member for Noosa's intention to stand down from consideration of this matter in accordance with Standing Order 272(1).

¹¹ On 14 July 2015, the Speaker advised the committee that the Member for Chatsworth would replace the Member for Noosa during consideration of this matter in accordance with Standing Order 272(2).



Your Ref:

Our Ref: 11

16 July 2015

APPENDIX A

Mr Mark Ryan MP
Chair
Ethics Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Ryan

Advice on the terms and conditions for the broadcast of proceedings of the Legislative Assembly

I refer to your letter dated 21 May 2015 regarding the above. At the outset I apologise for the delay in my response, despite the lengthy notice provided by the Committee.

I note the specific issues raised by the Committee. In order to answer those matters fully, I would like to canvass some wider related issues.

Background to the terms and conditions

The *Parliament of Queensland Act 2001* was amended in early 2003 to enable the broadcast of proceedings and included now s.58 of the Act:

58 Assembly may impose conditions on publication

(1) The Assembly may at any time impose conditions on the publication of a parliamentary record.

(2) It does not matter whether the parliamentary record has been previously published or whether the Assembly authorises or has authorised the publication.

Example—

Assume an audio or visual record of proceedings in the Assembly is published on the internet by an authorised publisher under section 51.

The Assembly may impose conditions on the publication by the authorised publisher. The Assembly may also impose conditions on the publication by a person who has accessed the internet publication of a parliamentary record derived from that access.

(3) Publication of a parliamentary record in contravention of a condition imposed by the Assembly is a contempt of the Assembly.

The current rules were adopted by the Assembly on 1 April 2003. In moving the motion, then Premier Beattie stated that the rules were being adopted to facilitate the Queensland parliament being broadcast live over the Internet for the first time.

The rules adopted by the Assembly were taken straight from the Commonwealth Parliament's rules which were first adopted in 1993:¹

Televising

Access to the proceedings of the House for televising has been permitted since 1991. The House has agreed to the following conditions in respect of the live broadcast and re-broadcast of the proceedings and excerpts of proceedings of the House and the Federation Chamber:

Access to the proceedings of the House of Representatives and its Federation Chamber for the recording and broadcasting of proceedings is subject to an undertaking to observe, and to comply with, the following conditions:

(1) Broadcasting and recordings may only be made from the official and dedicated composite vision and sound feed provided by the Sound and Vision Office (channels 1 and 5 on the House Monitoring System);⁷⁴

(2) Broadcasts shall be used only for the purposes of fair and accurate reports of proceedings, and shall not be used for:

(a) political party advertising or election campaigns;

(b) satire or ridicule; or

(c) commercial sponsorship or commercial advertising;

(3) Reports of proceedings shall be such as to provide a balanced presentation of differing views;

(4) Excerpts of proceedings which are subsequently withdrawn may be rebroadcast only if the withdrawal also is rebroadcast;

(5) The instructions of the Speaker of the House of Representatives, or the Speaker's delegate, in respect of broadcasting, shall be observed.

The House further provided that non-compliance with the guidelines may incur penalties. House members of the Broadcasting Committee are able to consider breaches, and the House has set as a general guide to the penalties which may be imposed on stations or programs: first breach—access to the broadcast to be withdrawn for three sitting days; second breach—access to be withdrawn for six sitting days; and third or subsequent breaches—such penalty as is determined by the House members of the Joint Committee on the Broadcasting of Parliamentary Proceedings. Access has been withdrawn for a breach of the conditions.

“The wording issue”

“political party advertising” or “election campaigns”

In an effort to only address the issue of the sufficiency of the wording of the current terms and conditions I note that during the matter currently before the Committee (arising in November 2014) the Together Union apparently regarded its television advertisement as neither “political party advertising” nor as part of an “election campaign”, but rather an “industrial campaign”.

The Secretary of the Together Union, Mr Alex Scott, is quoted as saying:²

“It’s clearly not satire or ridicule, it’s not party political, it’s about a wages campaign,”

¹ See <

<http://www.aph.gov.au/~media/05%20About%20Parliament/53%20HoR/532%20PPP/Practice6/PDF/Chapters/6Chap04.pdf> > page 119

² <http://www.theguardian.com/australia-news/2014/nov/05/union-to-defy-order-to-remove-campbell-newman-footage-from-ad>

"We want to change the premier's mind rather than change how people vote".

This is despite the fact that the union's own media release claimed it was a "political campaign" per last para³:

"this is the start of a very targeted political campaign to try and force Campbell Newman to be accountable for his actions..."

"Authorised by"

It is noted that the advertisement at the centre of the November 2014 dispute concludes with an authorisation message – normal for election advertising.

Section 181 of the *Electoral Act 1992 (Qld)* provides:

Author of election matter must be named

(1) A person must not, during the election period for an election—

- (a) print, publish, distribute or broadcast; or*
- (b) permit or authorise another person to print, publish, distribute or broadcast; any advertisement, handbill, pamphlet or notice containing election matter unless there appears, or is stated, at its end the particulars required by subsection (2).*

Maximum penalty—

- (a) in the case of an individual—20 penalty units; or*
- (b) in the case of a corporation—85 penalty units.*

(2) The particulars are the name and address (other than a post office box) of the person who authorised the advertisement, handbill, pamphlet or notice.

(3) Subsection (1) does not apply to an advertisement—

- (a) that is printed, published or distributed on a car sticker, T-shirt, lapel button, lapel badge, pen, pencil or balloon; or*
 - (b) that is of a kind prescribed for the purposes of this subsection.*
- (4) Also, subsection (1) does not apply to distributing, or permitting or authorising another person to distribute, a how-to-vote card.*

(5) In this section—

publish includes publish on the internet, even if the internet site on which the publication is made is located outside Queensland.

"Election matter" and "election period" are defined in section 2 of the Act:

election matter means anything able to, or intended to—

- (a) influence an elector in relation to voting at an election; or*
- (b) affect the result of an election.*

election period for an election means the period—

- (a) beginning on the day after the writ for the election is issued; and*
- (b) ending at 6p.m. on the polling day for the election.*

³ <http://www.together.org.au/stay-informed-news/media-releases/ashgrove-new-battleground-public-sector-wages/>

The Queensland Act obviously did not apply to the initial publication given the writs had not been issued, but I note the advertising remained on “YouTube” during the election period.

Subsection 328(1A) of the *Electoral Act* (Cmwth) requires that all electoral video recordings contain the name and address of the person authorising the video recording at the end of the recording. It is stressed that electoral advertisements must be authorised at all times – not just during an election period.

An “electoral advertisement” is defined in subsection 328(5) as follows:

... an advertisement, handbill, pamphlet, poster or notice that contains electoral matter, but does not include an advertisement in a newspaper announcing the holding of a meeting.

“Electoral matter” is defined in subsections 4(1) and 4(9). In subsection 4(1) “electoral matter” is defined as matter which is intended or likely to affect voting in an election. Subsection 4(9) further states that:

... matter shall be taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on:

- a. the election*
- b. the Government, the Opposition, a previous Government or a previous Opposition*
- c. the Government or Opposition, or a previous Government or Opposition, of a State or Territory*
- d. a member or former member of the Parliament of the Commonwealth or a State, or of the legislature of a Territory*
- e. a political party, a branch or division of a political party or a candidate or group of candidates in the election; or*
- f. any issue submitted to, or otherwise before, the electors in connection with the election.*

Subclause 4(2) of Schedule 2 to the *Broadcasting Services Act* (Cmwth) requires that, when broadcasting political matter at the request of another person, a broadcaster must cause the announcement of certain particulars in a form approved by the ACMA.

The following is the approved form for announcement of the required particulars, as defined in clause 1 of Schedule 2 of the *Broadcasting Services Act*:

...if the political matter is broadcast by television, the broadcaster shall cause the required particulars (other than those contained in paragraph (c) of the definition of required particulars in clause 1 of Schedule 2) to be broadcast in the form of a spoken announcement, and cause all the required particulars to be broadcast in the form of images of words.

The announcement must include details of the person authorising the political matter. A person authorises the broadcast only if they are responsible for the approval of its content and the decision to present it for broadcasting. This condition applies at all times.

The particulars required to be broadcast about political matter are defined in Clause 1 of Schedule 2 to the *Broadcasting Services Act* as:

- 1. if the broadcasting was authorised by a political party:*
 - i. the name of the political party;*
 - ii. the town, city or suburb in which the principal office of the political party is situated; and*
 - iii. the name of the natural person responsible for giving effect to the authorisation; and*

2. if the broadcasting of the political matter was authorised by a person other than a political party:

- i. the name of the person who authorised the broadcasting of the political matter; and
- ii. the town, city or suburb in which the person lives or, if the person is a corporation or association, in which the principal office is situated; and

3. the name of every speaker who, either in person or by means of a sound recording device, delivers an address or makes a statement that forms part of that matter.

The Advertising Standards Bureau advises as follows:⁴

What is political advertising?

Political advertising is advertising that attempts to influence or comment upon a matter which is currently the subject of extensive political debate.

Political advertising includes advertising or marketing communications about a political party, representative or candidate, advertising about political issues or issues of public interest, and advertising in relation to government policies (whether published/broadcast by the government or someone else). Advertising by Government, political parties, lobby groups and other interest groups may fall into this category.

Political advertising does not necessarily include all advertising by governments or organisations that are at times involved in the political process, such as lobby groups or interest groups. Such advertising may be regarded as informational or educational rather than political, as determined on a case-by-case basis and complaints about these advertisements which raise issues under section 2 of the AANA Code of Ethics may be considered by the Board.

Political advertising includes but is not limited to election advertising. The number of complaints received about political advertising often increases during election periods.

What is election advertising?

Advertising or marketing communications are generally regarded as "election advertising" where they contain material intended or likely to affect voting in an upcoming election. Election advertising is not necessarily limited to advertising by parties or candidates contesting an election and may include advertising outside of an election period where there is a relevant connection to an election. Generally, it will not include government information or education campaigns outside of an election period.

In determining whether an advertising or marketing communication is "election advertising", regard may be had to the provisions of the Broadcasting Services Act 1992, Commonwealth Electoral Act 1918 and State/Territory electoral legislation relating to election matter and electoral advertising. For advertising in the non-broadcast media, the presence of an authorisation required under the Commonwealth Electoral Act (or State/Territory electoral legislation) will be a relevant consideration. For broadcast advertising, the Broadcasting Services Act requires an authorisation for all political matter, not just election advertising, and as a result will not be a determinative factor.

⁴

<http://www.adstandards.com.au/process/theprocesssteps/specificproductsandissues/politicalandelectoraladvertising>

Approaches in other jurisdictions

I authorised an information request to other Australian and New Zealand jurisdictions regarding the issue.

Information provided shows that in most other jurisdictions in Australia and in New Zealand, breaches of the terms and conditions of broadcast are dealt with by the Presiding Officer, or their delegates, either under the Standing Orders, a resolution of the House or Media guidelines – see Attachment A.

All jurisdictions considered have a variant of the condition that the broadcast of proceedings shall not be used for *political party advertising* or *election campaigning*. However, in New Zealand the restrictions are broader covering any political advertising, not just political party advertising.

It should be noted that only the Commonwealth Parliament has defined the terms *political party advertising* or *election campaign*.

The term *political party advertising* is defined as:

... advertising or marketing communications authorised by a political party that includes, but is not limited to, hard copy publications – such as pamphlets, posters and billboards—and material on radio, television, the internet or social media.

The term *election campaign* is defined as:

... activities during an election period (as defined in the Commonwealth Electoral Act 1918) that are intended or are likely to affect voting in the election. These activities are not necessarily limited to parties or candidates contesting an election.

Sufficiency of conditions of use

With the experience of the television advertisement by the Together Union and their claims that such advertisement did not offend the Assembly's terms and condition I have considered the sufficiency of the terms and conditions of use.

I would suggest that the advertisement in question was "political advertising" and arguably "election advertising". (Notwithstanding its initial publication was outside an election period according to the Queensland statute, The Commonwealth legislation applies at any time.) More significantly, I think that the advertisement is clearly an "electoral advertisement" containing "electoral matter" in the context of the *Electoral Act* (Cmwth). The Together Union and its broadcasters must have also been of this opinion to have included the standard authorisation message.

As to whether the advertisement falls within the terms of "political party advertising" or "election campaign", I think that the former is a question of interpretation and the latter is a question of fact – but both are for the Ethics Committee and, ultimately, the Assembly to determine.

As to the definition of "political party advertising" – on a narrow view the phrase could be held to not apply to advertising by so called "third party advertisers" – ie. those groups that are not a registered political party.

Given this matter, I would opt to redraft the terms and conditions to read:

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:

- political party advertising, or election campaigning advertising or any advertising campaign that would normally require at law a broadcaster to announce who has authorised the material;
- satire or ridicule; and
- commercial sponsorship or commercial advertising;

Further definitions of key terms, such as those in the Commonwealth Guidelines, could be considered.

The commercial issue

During the last election a party used a still photograph taken in the Chamber. The party withdrew its use after warning. The party did, however, note that the still photograph had been purchased for the use in its political advertising campaign from a commercial outlet (Newspic). Some considerations as to the responsibility of owners of images, particularly now that camera access is readily allowed to television and newspaper film operators may need to be considered. That is, perhaps a restriction on sale for use contrary to the terms and conditions.

Enforcement

Current approach

Currently, allegations that an individual or organisation has used the broadcast of proceedings of Parliament in contravention of the terms and conditions is usually made to the Speaker or the Clerk.

To date, enforcement has been by way of the Speaker or the Clerk (as the Speaker's delegate) drawing attention to the offenders the rules and requesting that the offending material be stopped. (This process was used prior to the broadcast of parliament occurring regarding still photographs.) In more recent times the Clerk has tended to be the agent provocateur for these matters in order to minimise politicisation.

Over the last decade approximately ten issues have occurred. In each instance the matter has been resolved expeditiously – with the exception of the matter involving the Together Union.

The committee, in its letter, has raised the issue of the enforcement of the terms and conditions where persons ignore a request from the Clerk or the Speaker to withdraw advertisements which use the broadcast of proceedings and appear, on the face of it, to be party political or part of an election campaign.

Options to ensure timely and appropriate action taken

Option 1 – Injunction – legislative approach

In its letter, the Ethics Committee sought advice as to options to ensure that timely and appropriate action can be taken in relation to potential breaches of the terms and conditions, akin to court procedures like applications for an injunction.

Such an approach would require legislation, possibly via amendments to the *Parliament of Queensland Act 2001*. There would be a number of different ways to legislate for this matter.

Option 1(a) – Speaker

Legislation could provide that if the Speaker or their delegate considers that, on the face of it, there is a potential breach of the terms and conditions, they may order that the party cease using the broadcast of proceedings until such time as the Speaker makes a determination in relation to the matter.

The Speaker would then seek submissions from the interested parties and determine whether the person had breached the terms and conditions. If no breach found, the person would be free to recommence use of broadcast of proceedings. However, if a breach is found, then the order to cease using the broadcast of proceedings would remain in place.

It would then be for the Speaker to determine whether any penalty should be imposed (maximum amount to be stated in the legislation).

Option 1(b) – Speaker, Ethics Committee and Legislative Assembly

An alternative approach would be for the Ethics Committee to determine whether there was a breach of the terms and conditions.

Similar to above, the Speaker or their delegate would consider complaints about breaches of the terms and conditions. If the Speaker considers that, on the face of it, there is a potential breach of the terms and conditions, he or she may order that the person cease using the broadcast of proceedings until such time as the Ethics Committee considers and reports on the matter.

The Ethics Committee would undertake an expedited consideration of the matter, including seeking submissions from interested parties, and report back to the House.

If no contempt is found, the party would be free to recommence use of broadcast of proceedings. However, if a breach is found, then the order to cease using the broadcast of proceedings would remain in place. It would then be up to the Legislative Assembly to determine whether to impose a penalty (maximum to be stated in the legislation).

(It is noted that this option could significantly delay a decision depending on sitting dates and would be prohibitive in the event of a dissolution and election).

Option 2 – Complaints to be dealt with by Speaker – non-legislative approach

A non-legislative approach to expediting the consideration of potential breaches of the terms and conditions would be to amend the Standing Orders to clarify that the Speaker or their delegate is responsible for the consideration of potential breaches of the terms and conditions, rather than the Ethics Committee.

Similar to Commonwealth Parliament's approach, the Speaker would consider the matter. This could include seeking submissions from interested parties prior to making a decision on whether a breach has occurred. This could be done in a reasonably short period of time – with the parties given a short time frame to make a submission.

If a breach is found, the Speaker or their as delegate could issue a warning letter requesting the party cease using the broadcast of proceedings, or issue a letter requesting the use of the broadcast cease and inviting the party to show cause why one or more penalties should not be incurred. Once again, these steps could be undertaken in a reasonably short timeframe. Under the current provisions, the maximum penalty that may be imposed is \$2,000 per breach.

Option 3 - Speaker's prior approval to use the broadcast of proceedings -- non-legislative approach

Another non-legislative approach, would be to require parties who wish to use the broadcast of proceedings to submit the photographs/audio or video to the Speaker in advance for approval. A similar approach has been adopted in ACT.

Under this approach, the Speaker's Office would liaise with persons/organisations wishing to publish or broadcast proceedings to arrange for relevant material, eg. photographs or audio and/or video recordings of Assembly proceedings to be provided to the Speaker before they are published or broadcast to ensure that they do not breach the broadcasting terms and conditions.

Prior to the implementation of such an approach, it would be important to write to host broadcasters such as television networks and potential third party website hosts, such as YouTube, to put them on notice of the new requirements.

Conclusions on options

I have considered other interlocutory relief, such as legislative empowerment of the courts to enforce the matter. However, I consider such relief as impractical given the time scale of many of the past matters, not to mention expensive and burdensome on the Speaker or their delegate.

I emphasise that this is the only time a party or related party has not heeded warnings. In other words, there has been a good track record of compliance upon notice of the issue; despite the cost often incurred by those parties in the compilation of their advertisements.

As a result this is the first time the Ethics Committee, or its predecessor committees, have been asked to consider a potential breach of the terms and conditions. I would suggest that tightening the terms and conditions and strong enforcement by the Speaker (or their delegate), Committee and the House is the most effective way to ensure compliance.

If the Committee believes something more is necessary, then I would recommend Option 2 above.

Application of Terms and Conditions to host broadcasters

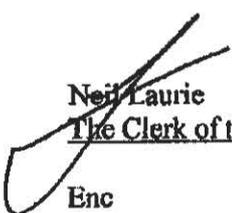
In its letter, the Ethics Committee sought advice about whether pressure could be applied to host broadcasters, such as television networks and websites who broadcast advertisements when dealing with breaches of the Terms and Conditions.

The Legislative Assembly has authorised the further publication of the broadcast of the proceedings, subject to a number of conditions. The terms and conditions do not focus on who publishes or uses the broadcast of the proceedings, rather the actual further publication itself. Therefore, the further publication of the broadcast, in contravention of the terms and conditions, may amount to a contempt by anyone who further publishes the broadcast.

Accordingly, notice of a potential contempt could be provided to the host broadcaster requesting that they cease broadcasting an offending advertisement.

I note, however, that some of the offending broadcasts are occurring in non-conventional ways (such as large screens on the back of trailers) or via international publishers (YouTube) that are notoriously difficult to deal with in a jurisdictional sense.

Yours sincerely


Neil Laurie
The Clerk of the Parliament

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Terms and Conditions of Broadcast of Parliamentary Proceedings – Approaches in other jurisdictions

Jurisdiction	Terms and conditions	Enforcement
<p>House of Representatives</p> <p>Senate</p>	<p>Rules for media related activity in Parliament House and its precincts (as at November 2012)</p> <p>Conditions of use – audio visual material</p> <p>5.12 Access to the official “composite feed” and “isolated feeds” is subject to compliance with the resolutions of the House of Representatives and the Senate, including the following conditions:</p> <p>(a) broadcasting material shall be used only for the purposes of fair and accurate reports of proceedings, and shall not be used for:</p> <p>(i) political party advertising or election campaigns; or</p> <p>(ii) commercial sponsorship or commercial advertising;</p> <p><u>Definitions:</u></p> <p>“Political party advertising” is advertising or marketing communications authorised by a political party that includes, but is not limited to, hard copy publications – such as pamphlets, posters and billboards – and material on radio, television, the internet or social media.</p> <p>“Election campaigns” are activities during an election period (as defined in the <i>Commonwealth Electoral Act 1918</i>) that are intended or are likely to affect voting in the election. These activities are not necessarily limited to parties or candidates contesting an election.</p>	<p>Alleged breaches of <i>Conditions of use</i> are dealt with under the general rules for media activity.</p> <p>Process for considering non-compliance</p> <p>Persons found engaging in activities in breach of rules will be directed to cease the activity.</p> <p>The Presiding Officer’s delegates, in considering reported instances of non-compliance with the rules, will ascertain the circumstances of the case.</p> <p>Where activity is found to be in breach of rules:</p> <p>(a) On first offence, an individual or organisation will be issued a written warning from the Presiding Officer’s delegate. Where the offence is considered a very serious breach of the rules, a show cause letter may be initiated without warning;</p> <p>(b) on the second offence, an individual or organisation will be invited to show cause to the Presiding Officer’s delegate as to why one or more penalties should not be incurred.</p> <p>The Presiding Officer’s delegate will consider any response or appeal from the individual or organisation and determine an appropriate penalty. The Presiding Officer’s delegate may choose to penalise the individual or the organisation employing the individual.</p> <p>Penalties</p> <p>The available penalties are geared more towards media personal and passholders and include:</p> <p>(a) denial of access to the chamber galleries for a sitting day or week;</p> <p>(b) suspension of an individual’s media pass for a day or a week ;</p> <p>(c) for sustained and continued breaches by media suspension of passes of all individuals working for the relevant media outlet for a specified period;</p> <p>(d) cancellation of an individual’s pass</p> <p>(e) another penalty determined by the Presiding Officer.</p>
<p>NSW Parliament</p>	<p>The key conditions under which proceedings can be broadcast are:</p>	<p>Access to proceedings for the purpose of recording is on the basis of an undertaking to observe the conditions.</p>

Terms and Conditions of Broadcast of Parliamentary Proceedings – Approaches in other jurisdictions

	<ul style="list-style-type: none"> • broadcasts of excerpts must be used only for the purposes of fair and accurate reports of proceedings and must provide a balanced presentation of differing views; • excerpts must not be used for political party advertising or election campaigns, or for the purpose of satire or ridicule or commercial sponsorship or commercial advertising; • excerpts of proceedings which are subsequently withdrawn may be broadcast if the withdrawal is also broadcast; • excerpts must be placed in context; • commentators must identify members by name; • where audio excerpts of proceedings are used on television, their use may be that of audio over still frames, or overlay material; • where the excerpts are used on commercial stations, the station must ensure that advertising before and after excerpts is of an appropriate nature; • events in the galleries are not part of the proceedings and excerpts of those events must not be used. 	<p>A breach of these conditions by a broadcaster may result in the suspension or withdrawal of permission by the President for the offender to broadcast excerpts of the proceedings of the House.</p>
South Australia	<p><i>Live webcast page states:</i></p> <p>The webcast is available for the purpose of fair and accurate reports of the proceedings and should not be used for party political advertising or election campaigning, satire or ridicule, commercial advertising or sponsorship.</p>	<p>No information yet available about enforcement</p>
Victoria	<p><i>Legislative Assembly Standing Orders – Broadcast of Proceedings</i></p>	<p>Any breach of the conditions may result in the immediate suspension of media privileges by the Speaker.</p>

Terms and Conditions of Broadcast of Parliamentary Proceedings – Approaches in other jurisdictions

<http://www.parliament.vic.gov.au/assembly/standing-aamps-sessional-ordersrules/standing-orders/769>

(3) A media organisation or individual may, subject to paragraph (4), 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.

(4) Permission under paragraph (3) is subject to observance of the following conditions:

...

(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.

Legislative Council Standing Orders – Broadcasting, recording and photography of proceedings

(6) Visual and/or sound recordings and excerpts of visual and/or sound recordings and still photography must not be used for:

- (a) political party advertising or election campaigns;
- (b) satire or ridicule; or
- (c) commercial sponsorship or commercial advertising; or
- (d) radio, television and electronic advertisements or promotion.

A breach could be considered a contempt, as it is a failure to comply with the Standing Orders. However, it is more likely to be dealt with by the Speaker and if the breach was by a media organisation, the media organisation could have its accreditation suspended or revoked

The guidelines are enforced by the Speaker, usually in response to a complaint. The Serjenat-at-Arms deals with media accreditation and deals with these issues in the first instance on behalf of the Speaker

This has not happened, but in the first instance the Speaker could request the advertisement not be broadcast. If there was a failure to comply with the Speaker's request, the House could refer it to the Privileges Committee

Terms and Conditions of Broadcast of Parliamentary Proceedings – Approaches in other jurisdictions

	<p>The guidelines apply to media organisations and broadcasters</p>	
<p>Western Australia</p>	<p>The Parliament's terms of use for broadcast material are specified in media guidelines and on the LA's and LC's webcast archives webpages.</p> <p>The conditions would bind rebroadcast and web streaming.</p>	<p>Potentially, a contravention of the guidelines could be considered a contempt of the Parliament although the more likely response would be for the Presiding Officers to deal with the matter by way of caution, reproof or revocation of media accreditation.</p> <p>The Presiding Officers enforce the media rules in consultation with the Sergeant-at-Arms and the Usher of the Black Rod who manage media accreditation and media requests on their behalf.</p> <p>The matter has not been tested in practice but, in the first instance a Presiding Officer could request that material in contravention of the guidelines not be broadcast and if this request was not complied with, the matter could be referred to the House and thence to the Privileges Committee.</p> <p>The media guidelines provide for the revocation of media accreditation, and therefore access to Parliament, for contravention of the terms of use. A minor breach would probably first be dealt with by a caution.</p>
<p>ACT</p>	<p>Legislative Assembly for the Australian Capital Territory - Technology and Telecommunications - Broadcasting Policy Framework and Guidelines – September 2014</p> <p>Copyright of the material broadcast belongs to the Australian Capital Territory and no unauthorised use may be made of that material. The ACT Legislative Assembly makes the broadcast material available on the following conditions.</p> <p>The material shall not be used for:</p> <ul style="list-style-type: none"> • advertising for or by political parties or electioneering; 	<p>Ultimately the Speaker is responsible for granting permissions each year to persons or organisations that wish to record for broadcast Assembly proceedings. The Office of the Legislative Assembly - the Clerk is responsible for ensuring persons and organisations seeking to record for broadcast of Assembly proceedings obtain permission.</p> <p>The Speaker's Office endeavours to liaise with persons/organisations wishing to publish or broadcast proceedings to arrange for relevant material, e.g. photographs or audio and/or video recordings of Assembly proceedings to be provided to the Speaker before they are published or broadcast to ensure that they do not breach the broadcasting terms and conditions.</p>

Terms and Conditions of Broadcast of Parliamentary Proceedings – Approaches in other jurisdictions

	<ul style="list-style-type: none"> • commercial advertising or sponsorship. 	
Northern Territory	<p>BROADCASTING OF ASSEMBLY AND COMMITTEE PROCEEDINGS</p> <p>That unless otherwise ordered this Assembly authorises the broadcast, rebroadcast and televising of all or portions of the debates or proceedings of the Assembly or a committee for the purposes of section 23 of the Legislative Assembly (Powers and Privilege) Act in accordance with the following provisions:</p> <p>---</p> <p>(3) Broadcasts of excerpts shall be used only for the purposes of fair and accurate reports of proceedings, and shall not be used for:</p> <p>(a) political party advertising or election campaigns;</p> <p>(b) satire or ridicule; or</p> <p>(c) commercial sponsorship or commercial advertising;</p> <p>(4) Reports of proceedings shall be such as to provide a balanced presentation of differing views;</p>	Non-compliance with these guidelines may incur penalties imposed by the Speaker.
New Zealand	<p>Live coverage of the proceedings of the House of Representatives is made available for television broadcast, webcast, and recording in other mediums to provide greater public access to the legislature. The coverage is made available on the following conditions:</p> <p>(a) Any broadcast or rebroadcast of coverage must comply with the broadcaster's legal obligations.</p> <p>(b) Coverage of proceedings must not be used in any medium for political advertising or election</p>	<p>Breach of these conditions may result in a loss of access to official television coverage, and may be treated as a contempt of the House of Representatives and proceeded against accordingly.</p> <p>The Speaker enforces these on advice from the Office of the Clerk and if required would refer the matter to the House. The matter has not been considered or tested in practice,</p>

Terms and Conditions of Broadcast of Parliamentary Proceedings – Approaches in other jurisdictions

<p>campaigning (except with the permission of all members shown), satire, ridicule, denigration, commercial sponsorship or commercial advertising. Reports that use extracts of coverage of proceedings and purport to be summaries must be fair and accurate.</p> <p>Absolute freedom of speech (privilege) applies to members speaking in the House of Representatives. Further publication (including broadcast or webcast) of these proceedings does not have the same legal protection. If you are in doubt about the content that you wish to publish, you should seek your own legal advice.</p> <p>Conditions would apply to rebroadcast and includes web streaming.</p>	
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