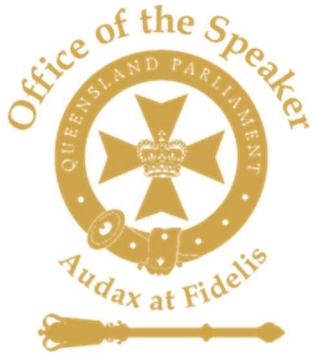


**Submission
No 7**

BROADCASTING RESOLUTION FOR THE LEGISLATIVE ASSEMBLY

Organisation: Legislative Assembly, Queensland Parliament

Date Received: 12 January 2021



Our ref: 210112-OUT-Speaker O'Dea

your ref: D20/50260 LAC19/021.19

12 January 2020

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

VIA EMAIL: [REDACTED]

Dear Mr Speaker

Thank you for your invitation to provide a submission to the Legislative Assembly Standing Orders and Procedure Committee's inquiry into a broadcasting resolution for the Legislative Assembly of New South Wales. I am pleased to provide the response below addressing the issues for consideration by the Committee as they apply in the Queensland Parliament.

Scope of a broadcasting resolution

The Queensland Parliament authorises the further publication of the broadcast of its proceedings in accordance with the *Parliament of Queensland Act 2001* (POQA). 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. Publication of a parliamentary record in contravention of a condition imposed by the Assembly is a contempt of the Assembly.

On 5 June 2007, the Legislative Assembly of Queensland commenced the video broadcast of proceedings via the internet, intranet and internal television system. On the same day, the then Speaker tabled conditions for broadcasters, authorising the further publication of the proceedings and excerpts of proceedings of the Legislative Assembly, subject to a number of terms and conditions.¹ The terms and conditions have subsequently been updated. The rules for media access, incorporating

¹ The terms and conditions tabled on 5 June 2007 can be accessed at <https://www.parliament.qld.gov.au/documents/tableOffice/TabledPapers/2007/5207T1503.pdf>.

the Conditions of Access for further publication of the broadcast tabled in the Assembly on 26 October 2017 remain current. A full copy of these terms and conditions is available electronically.²

The Legislative Assembly authorises the further publication of the broadcast of proceedings of the Queensland Parliament, subject to the following conditions:

1. The material must only be used for the purposes of fair and accurate reports of proceedings and must not in any circumstances be used for;
 - i. political advertising, election campaigning or any advertising campaign that would normally require at law a broadcaster to announce who has authorised the material;
 - ii. satire or ridicule; and
 - iii. commercial sponsorship or commercial advertising;
2. Reports of proceedings must provide a balanced presentation of differing views;
3. Excerpts of proceedings are to be placed in context so as to avoid any misrepresentation;
4. Excerpts of proceedings which are subsequently withdrawn may be rebroadcast only if the withdrawal is also rebroadcast; and
5. Points of order, and matters claimed to be points of order may be rebroadcast except:
 - . statements in respect of which a member claims misrepresentation or otherwise seeks withdrawal, and which are subsequently ordered to be withdrawn, or are voluntarily withdrawn, are not to be rebroadcast; or
 - i. if the House or the Speaker or Committee Chairperson, in accordance with the Standing Rules and Orders and practice of the Legislative Assembly, orders that a statement be expunged or deleted from Hansard, either at the time that the statement was made or at a later time, the statement, the Speaker's or Chairperson's direction and the proceedings relating to the matter, are not to be rebroadcast.

Application of parliamentary privilege, defamation and guidelines for moderation of comments on social media; safeguards for compliance for re-broadcasting

The Queensland Parliament's broadcast is protected by parliamentary privilege.³ While the further publication of the broadcast of the Legislative Assembly and its committees is authorised, subject to the terms and conditions above, the further publication is not similarly protected by parliamentary privilege. Section 57 of the POQA provides that the written reports of the debates (the *Record of Proceedings*, also known as *Hansard*) are the accurate record of what happened in the Legislative Assembly. Evidence must not be admitted that contradicts, adds to, or otherwise impugns the accuracy of the official record. Therefore, the broadcast material should not be quoted or used in any proceedings, such as legal proceedings.

A notice to all users of the broadcast is published on the Queensland Parliament website, advising in relation to parliamentary privilege along with the Conditions of Access.⁴ Before users can access the broadcast stream from the Queensland Parliament website, they are required to accept the disclaimer in relation to use of the broadcast. The disclaimer includes a waiver releasing the State of Queensland through the Legislative Assembly and Parliamentary Service 'to the full extent permitted by law from any and all claims, whether in negligence or otherwise, relating to the usage of material or information made available through these pages.'

² The terms and conditions tabled on 26 October 2017 can be accessed at

<https://www.parliament.qld.gov.au/Documents/TableOffice/TabledPapers/2017/5517T2118.pdf>

³ See *Parliament of Queensland Act 2001*, s 8.


⁴ <https://www.parliament.qld.gov.au/work-of-assembly/broadcast-chamber/terms-and-conditions>

The Queensland Parliament's Ethics Committee has considered a number of privilege matters in relation to breaches of the broadcast terms and conditions. Most recently, the Ethics Committee tabled a report on 10 December 2018 concerning an allegation that Ms Dee Madigan breached the Conditions of Access for the further publication of the broadcast of proceedings. This allegation related to the use of a photograph from the broadcast and her related comments posted on Twitter. The committee found that Ms Madigan's republication of the broadcast with her comments amounted to ridicule and were a breach of the Parliament's terms and conditions of broadcast and therefore a contempt of Parliament. However, the committee recommended that no further action be taken in relation to the matter. In the report, the committee noted that a number of jurisdictions had removed the prohibition in relation to the use of broadcast footage for ridicule or satire and indicated that it may be timely for the Parliament to consider that issue. To date this issue has not been further considered. An electronic copy of the committee's report is available on the Parliament's website.⁵

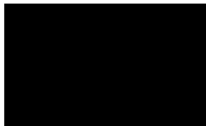
Archiving and requests for footage of proceedings

Archived broadcasts of the parliamentary proceedings dating back to 14 February 2011 are available on the Queensland Parliament's website through camera icon links in the *Record of Proceedings*. Archived broadcasts of recent public committee proceedings are available at <http://tv.parliament.qld.gov.au/committees>. External users are directed to access archived broadcasts through these options.

Members of Parliament and their staff can access footage of parliamentary proceedings, including committee proceedings, through a members' video extract system. Like all users, members should only post extracts of the proceedings in accordance with the Conditions of Access for broadcast.

If you have any further queries regarding the submission please contact Ms Josephine Mathers, Chief Reporter on 

Yours sincerely



HON CURTIS PITT MP
Speaker of the Legislative Assembly

⁵ <https://www.parliament.qld.gov.au/documents/tableOffice/TabledPapers/2018/5618T1973.pdf>