

An overview of media coverage

Background to the inquiry

- 1.1 In February 2004 the media expressed dissatisfaction with the guidelines which cover media coverage of parliamentary proceedings following action taken by the Speaker in response to breaches of the guidelines.
- 1.2 On 12 February a protester had jumped from a public gallery of the House of Representatives onto the floor of the chamber. The guidelines covering still photography in the chamber prohibit photographing such events on the grounds that demonstrations would be encouraged by giving them publicity. The same prohibition applies to the camera operators employed by the Department of Parliamentary Services who provide the “feed” to the media for television coverage of proceedings.
- 1.3 In breach of the guidelines and in defiance of specific instructions, still photographs were taken and several newspapers printed these photographs of the event. The Speaker subsequently imposed penalties on those newspapers which meant their photographers were not permitted to take photographs from the galleries for the following seven sitting days.

- 1.4 On 16 February 2004 the Speaker made a statement to the House explaining his decision.¹ This resulted in questions to the Speaker in the House about the guidelines. In particular, the Leader of the Opposition, Mr Latham, and the Manager of Opposition Business, Ms Gillard, indicated they supported a review of the guidelines covering still photography with a view to making them more liberal. Ms Gillard suggested that the Procedure Committee could consider the issue.²
- 1.5 The Speaker indicated that he was not inclined to review the current guidelines. He noted that they had been relaxed by Speaker Halverson and that they were more liberal than those which applied in comparable parliaments.³
- 1.6 The Procedure Committee decided to inquire into the issue of media access to parliamentary proceedings as part of a wider inquiry into enhancing public knowledge about the business of the chamber, Main Committee and parliamentary committees.
- 1.7 The committee considers that the issue of media coverage is an important issue. The committee has decided to present an interim report to ensure it has attended to this part of the wider inquiry before the end of this Parliament.

Responsibility for media guidelines

The role of the Speaker

- 1.8 The guidelines covering media access to proceedings are known as the Speaker's guidelines and they are, in fact, issued by the Speaker and monitored by the Serjeant-at-Arms' office on behalf of the Speaker. The Speaker has responsibility for administering the guidelines and imposing penalties under the guidelines. In administering the guidelines the Speaker acts on behalf of the House.

¹ H.R. Deb. (16.2.2004) 24758.

² H.R. Deb. (16.2.2004) 24758 and 24775.

³ H.R. Deb. (16.2.2004) 24776.

Origin of the guidelines

- 1.9 The current guidelines relating to television broadcasting are the result of the work of various committees which culminated in two resolutions of the House which are reproduced at the end of the bound standing orders.
- 1.10 The first resolution was adopted by the House on 16 October 1991. That resolution authorised live television broadcasting and rebroadcasting of proceedings. The conditions and guidelines for broadcasting were, until otherwise determined, to be those proposed by the House of Representatives Select Committee on Televising.⁴ The values reflected in the House resolutions and the Speaker's guidelines for television broadcasting and rebroadcasting proceedings, stem from this committee report. The prohibitions on the use of footage for political party advertising, ridicule and satire and commercial purposes stem from the committee's recommendations.⁵ The requirement that broadcasts use the feed from the then Sound and Vision Office (now the Broadcasting unit of the DPS) also stems from the committee report. Balanced and accurate reporting was also one of the conditions recommended in the report.⁶ The current version of the conditions is in the resolution of the House adopted on 1 May 1996.⁷
- 1.11 When still photographers were admitted to the chamber in 1992, the guidelines covering them derived from the resolutions and guidelines relating to television broadcasting.

Implementing the guidelines

- 1.12 The resolutions of 1991 and 1996 on televising proceedings and conditions for broadcasters, provided for the House members of the Joint Committee on the Broadcasting of Parliamentary Proceedings to form a committee, acting independently of the joint committee, to consider conditions and guidelines and to determine whether

⁴ *The Eyes Have It*, report of the House of Representatives Select Committee on Televising, May 1991.

⁵ *Ibid.* chapter 2, commencing at page 15.

⁶ *Ibid.*, pp. 19-20.

⁷ Reproduced in the Standing and Sessiional orders as at 16 September 2002, p. 102.

breaches had occurred and how they should be addressed. The 1996 resolution set out penalties for breaches of the guidelines by broadcasters. The resolution also envisaged amendments to the *Parliamentary Proceedings Broadcasting Act 1946* to bring televising of procedures within the Act.

- 1.13 Neither of these things happened. The Act has not been changed so it addresses only radio broadcasting and the televising of joint sittings of both Houses held under section 57 of the Constitution.
- 1.14 There is no doubt that it would be very difficult for a committee to monitor and enforce the guidelines relating to television broadcasting of proceedings. In particular, if there were a breach of the guidelines it is doubtful if a committee would be able to address the problem as efficiently as the Speaker could do. The Joint Committee on the Broadcasting of Parliamentary Proceedings was not established to monitor and implement television broadcasting. The resolutions giving this role to House members of the Joint Committee should be amended and updated to reflect the fact that the House has entrusted to the Speaker the task of implementing the guidelines. The Broadcasting Committee's actual role would not be changed by this amendment.

Recommendation 1

The committee recommends that the resolutions of 16 October 1991 and 1 May 1996 be replaced by an updated resolution which reflects current arrangements. In particular, the resolution should acknowledge the fact that the Speaker acts on behalf of the House in administering and implementing the guidelines relating to television broadcasting.

Role of the Procedure Committee

- 1.15 The Procedure Committee is empowered by standing order 330 to "inquire into and report on the practices and procedures of the House generally with a view to making recommendations for their improvement or change and for the development of new procedures". The issue of regulating media coverage of proceedings is clearly within this broad responsibility.

- 1.16 It follows from the recommendation above that the Procedure Committee sees its role as one of advising the Speaker in relation to media coverage of the House, the Main Committee and House committees.

Evidence to the inquiry

- 1.17 The committee publicised the inquiry on its website and invited submissions from the public. All members of the House were invited to give their views of the adequacy of current arrangements for allowing the public to gain an understanding of the Parliaments proceedings. Submissions are reproduced at Appendix B.
- 1.18 The committee also conducted two round table conferences with a view to consulting as widely as possible with relevant persons within Parliament House. The first round table was a private conference with House office holders including the Speaker and Deputy Speaker, Leader of the House, Manager of Opposition Business, Whips and independent members. The second round table was with media representatives including the parliamentary press gallery, the Press Council of Australia, parliamentary broadcasting staff and AUSPIC. The transcript of evidence is at Appendix C. The committee found the round tables to be very helpful.

The media and Parliament – an overview

Expanding coverage

- 1.19 Chapter 2 of this report provides some details of the development of media coverage of the House's proceedings and the guidelines relating to the coverage. This brief overview of the main steps in extending the coverage of proceedings is provided as a necessary background to commenting on that coverage. The report will then consider the separate development of still photography and television coverage. It will also be necessary to consider briefly the different values held by those interested in media coverage.
- 1.20 The history of parliamentary media coverage in Australia is a story of generally increasing access with a few problems and some serious difficulties. Clem Lloyd's account of the history of the press gallery is

an excellent account of the early history of media coverage.⁸ His book covers the period from federation to the move from Old Parliament House in 1988 and traces the early dominance of the print media.

- 1.21 The reporting of parliamentary proceedings in newspapers was originally the main way the public could find out about the business of their Parliament (apart from attending in the public galleries). Speeches were recorded in depth. Photographs were an adjunct to print reporting at first, with print journalists using compact cameras as they thought appropriate. The early photographs tended to be formal and posed. The fact that movement spoilt early “still” photographs contributed to the sort of photographs that were taken. Until quite recently photographs did not feature very prominently in the print media.
- 1.22 Radio broadcasting played an important role in communicating proceedings to the public after the implementation of the *Parliamentary Broadcasting Act 1946*. The Act requires total coverage of proceedings when Parliament is sitting – alternating between the Senate and the House of Representatives according to guidelines established by a parliamentary committee. This was a relatively “safe” means of communicating proceedings to the public. There was little or no opportunity for adding commentary other than identifying the business being broadcast. The Broadcasting Act (and the Joint Committee on Broadcasting) relates only to radio broadcasting and rebroadcasting. Legislative recognition of television extends only to televising “joint sittings” under section 57 of the Constitution.
- 1.23 Advances in the technology of photography and printing meant that still photographs were increasingly used in the print media. For many years photographs tended to be of parliamentary or government subjects taken outside the chamber itself. They were, for example, taken on the steps of Old Parliament House or in a press conference in the Prime Minister’s office. Photographs of proceedings in the chamber had to be arranged on a case by case basis until 1992. Regular access by still photographers to the chamber followed the regular televising of proceedings. The rules for still photography have gradually been made more liberal and the use of chamber photographs in the print media has become correspondingly more frequent.

⁸ C.J. Lloyd, *Parliament and the Press: The Federal Parliamentary Press Gallery 1901-88*, Melbourne University Press, 1988.

- 1.24 Television coverage of proceedings began in 1991 as a trial and, despite grave misgivings by some, has continued and expanded. Television broadcasting to the public is currently much more limited than radio broadcasting but this too is expanding. Sky News is now providing television coverage on pay-TV of chamber proceedings and some committees. The ABC televises question time, alternating between the House and Senate. Since 2003 televised proceedings have also been available on Transact in the ACT and on the parliamentary website.⁹

Competing values in media coverage of proceedings

Television versus still photography

- 1.25 It is only to be expected that among those involved in media coverage of proceedings there are differing interests and viewpoints. The evidence taken at the round table meeting with media representatives on 15 June 2004 revealed that still photographers and print media managers believe television broadcasters have better access than they do. They point to the fact that the television feed of the whole of proceedings is made available at no cost to the electronic media. Television channels can choose which items they report on and are not confined to question time.
- 1.26 Television representatives, on the other hand, claim that the direct access enjoyed by still photographers allows them to reflect their own slant on a story. This advantage is not available to television channels which are obliged to make what they can of the live “feed” provided by the broadcasting service of the DPS. The following comment by Mr Peter Meakin, Director of News and Current Affairs for Channel 7 is typical:

If newspaper photographers have a problem, we in television have a bigger problem because we can only record, as you know, people who have the call ... I think a lot of the problem is that we have a system which is basically discreet censorship where politicians ride shotgun on their own dignity. I would like more freedom, certainly as much freedom as the stills photographers enjoy in parliament.¹⁰

⁹ More details are provided in the DPS submission, reproduced in Appendix B.

¹⁰ *Transcript of evidence of Round Table Conference*, 15 June 2004, p. 5.

- 1.27 The television camera operators are not in fact limited to filming the member with the call. Under the guidelines for camera operators they are able to take footage of members reacting to what is said and to take wide angle pictures. On the other hand, they are parliamentary staff who are required to focus on fair and accurate reporting of proceedings rather than getting the most newsworthy images.

Radio broadcasting and rebroadcasting

- 1.28 Radio coverage is most commonly presented on the dedicated news and parliamentary service of the Australian Broadcasting Corporation from a DPS feed. Excerpts can be rebroadcast following similar guidelines to other parts of the media (i.e. fair and accurate reporting and a prohibition on political advertising, ridicule and satire and commercial uses). Radio does not seem to be part of the argument about comparative advantage. Extended radio coverage is the very essence of “fair and accurate reporting”. It is newsworthy only to those who are genuinely interested in the business before the Parliament. Radio listeners waiting for dramatic clashes must be patient (or listen mainly to question time).
- 1.29 Radio re-broadcasting allows a little more scope for “cherry-picking” the more “newsworthy” proceedings. However, in general, radio reporting of parliamentary proceedings tends to consist mostly of radio journalists summarising what members have said in the chamber or, more commonly, journalists commenting on proceedings. However, there have been examples of rebroadcasting audio excerpts which are misleading because the context is not fully described.

The Parliament and the media

- 1.30 It is a truism that the media’s focus is on getting newsworthy images, be they still photographs, video footage for television broadcasting, or audio coverage on radio programs. Members (including Ministers) may also be interested in using the media to keep their work and their names at the forefront of the electorate’s attention.
- 1.31 Other parts of the parliamentary institution promote other values. The Benthamite view of publicising proceedings as an integral part of the democratic process¹¹ is certainly one of the values promoted by

¹¹ J Bentham, *On the Liberty of the Press and Public Discussion*, 1821. Malcolm Farr provides a modern example of this view. *Transcript of evidence of Round Table Conference*, p. 3.

the custodians of institution of the Parliament. This is the origin of the focus on fair and accurate reporting of proceedings which is central to the Speaker's guidelines. This approach rests on a concept of the media as partners with the Parliament in the democratic and educative aspect of media coverage.

- 1.32 This value is not confined to elements within the Parliament. Professor McKinnon, the Chairman of the Australian Press Council, told the Round Table Conference with the media:

Our view is that parliament will only work if the press reports it. It is the right of the public to know what is going on in the parliament; ... it is important that the public's right to know about [the activities of parliament] be confirmed at every opportunity and in every way.¹²

- 1.33 The media as partner in informing the public has its drawbacks as well as advantages. The Clerk of the House described the tension between the role of the media and the value of informing the public about proceedings. He noted that the objective of the guidelines was:

To strike a reasonable balance between the goals of facilitating access to proceedings, on the one hand, and, on the other, the House's ... interest in ensuring that access is not misused.¹³

- 1.34 The Parliament as an institution also values the control of media coverage in order to uphold and promote a dignified image of the Parliament. This value too, is at the core of the Speaker's guidelines. The difficulty is reaching a balance between the public's right to know and upholding the dignity of the institution. From the perspective of the Parliament, the media's desire to have newsworthy material is only relevant when it supports the public's right to know.

Attitudes to media coverage

- 1.35 Chapter 3 of this report will address attitudes to current arrangements for media coverage and whether the Speaker's guidelines should be reviewed.

¹² *Transcript of evidence of Round Table Conference*, p. 6.

¹³ Mr Ian. Harris, Submission 1, p. 1.

- 1.36 In summary, some members of the House have supported calls by media outlets for much freer access by both still photographers and television camera operators and broadcasters. The committee is sympathetic to some proposals for change but notes that the House already provides more liberal access than comparable parliaments. Proposals for change would be strongest if based on changed conditions including technological change. Some technology has changed since the guidelines were developed.

Wider aspects of enhancing public knowledge of proceedings

- 1.37 When the committee decided to conduct an inquiry on media coverage, it was only partly in response to the events outlined at the beginning of this chapter. The committee has a broader interest in educating the public about proceedings in Parliament than that allowed by television programs and photographs in the print media. In October 1999 the committee presented a report entitled, *It's your House: Community involvement in the procedures and practices of the House of Representatives and its committees*. This report was followed in May 2001 by another report, *Promoting community involvement in the work of committees*. The committee has recently finalised a project to completely rewrite and restructure the standing orders so that they can be better understood by the public (as well as members).
- 1.38 The committee recognises that much has already been initiated to improve community understanding of proceedings. The work of the Parliamentary Education Office is particularly noteworthy. The House has also launched a very successful magazine *About the House*, and the parliamentary Internet site is being used increasingly to inform the public about proceedings. The media is being assisted by an e-mail alert system of informing them about upcoming public hearings of committees and the publication of committee reports.
- 1.39 In particular, the committee believes that much can be done to improve television coverage of proceedings and it strongly supports efforts made by Sky News in this regard. Circumstances permitting, the committee intends to encompass these broader issues when it presents its final report on this inquiry.