

Chapter 1

Introduction

1.1 On 14 November 2013, on the recommendation of the Senate Selection of Bills Committee, the Senate referred the Parliamentary Proceedings Broadcasting Amendment Bill 2013 (the bill) to the Senate Environment and Communications Legislation Committee (the committee) for inquiry and report by the first sitting Wednesday in February 2014.¹

1.2 The reasons for referral were for the committee to consider:

- whether the current guidelines, issued by the Joint Committee on the Broadcasting of Parliamentary Proceedings, regarding ridicule and satire are still appropriate;
- whether similar restrictions exist in other jurisdictions, both domestically and overseas; and
- the benefits to the Australian public and public debate of removing the current restrictions regarding ridicule and satire.²

1.3 The committee received one submission relating to the bill which is listed at Appendix 1. The submission may be accessed through the committee's website at:

http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Environment_and_Communications/Parliamentary_Proceedings_Broadcasting_Amendment_Bill_2013.

Background

1.4 The *Parliamentary Proceedings Broadcasting Act 1946* (the Act) establishes the Joint Committee on the Broadcasting of Parliamentary Proceedings (JCBPP). The functions of the JCBPP are to consider and specify in a report presented to each House of Parliament, the general principles upon which there should be determined the days and periods upon which, the proceedings of the Senate and the House of Representatives shall be broadcast.³

1.5 Section 14 of the Act provides that the JCBPP shall have power to determine the conditions in accordance with which re-broadcast may be made of any portion of the proceedings of either House of the Parliament or of a joint sitting.⁴ The JCBPP has a limited role in relation to the televising of proceedings, as the Act covers televising of joint sittings only.⁵

1 *Journals of the Senate*, No. 3, 14 November 2013, p. 125. Wednesday, 12 February 2014 is the first sitting Wednesday in February 2014.

2 Senate Selection of Bills Committee, *Report No. 9 of 2013*, Appendix 9, 14 November 2013.

3 *Parliamentary Proceedings Broadcasting Act 1946*, s. 12.

4 *Parliamentary Proceedings Broadcasting Act 1946*, ss. 14(1).

5 BC Wright (ed), *House of Representatives Practice Sixth Edition*, 2012, p. 119.

1.6 Proceedings of the Senate and the House of Representatives and their committees are broadcast on radio, television and through electronic media. Each House of the Parliament has passed resolutions that set out rules for broadcasts and the use of recorded excerpts.⁶

1.7 A resolution of the Senate passed on 31 May 1990 established rules for the use of excerpts, the principal rule being that excerpts are to be used only for the purposes of fair and accurate reports of proceedings.⁷ The rules also prohibited excerpts being used for:

- political party advertising or election campaigns;
- satire and ridicule; or
- commercial sponsorship or commercial activity.⁸

1.8 The House of Representatives adopted a similar resolution on 1 May 1996 restricting broadcasts for the purposes of fair and accurate reporting and prohibiting the use of excerpts for satire and ridicule.⁹

1.9 New resolutions relating to the broadcasting of parliamentary proceedings were passed at the commencement of the 44th Parliament by the Senate and the House of Representatives.¹⁰ The new resolutions omitted the requirement that broadcast material shall not be used for satire and ridicule (see Appendices 2 and 3).

Purpose of the bill

1.10 The bill proposes to insert new subsection 14(3) into the Act to prevent the JCBPP from making a condition prohibiting the use excerpts of parliamentary proceedings for the purposes of satire or ridicule.

6 *Journals of the Senate*, No. 17, 31 May 1990 (amended *Journals of the Senate*, No. 36, 18 October 1990); *House of Representatives Votes and Proceedings*, No. 2, 1 May 1996, pp 42–43 (amended *House of Representatives Votes and Proceedings*, No. 85, 8 February 2012, p. 1179).

7 *Radio and television broadcasting of Senate proceedings*, Resolution adopted by the Senate 31 May 1990 (amended 18 October 1990). The resolution of the Senate also required the Senate Procedure Committee to examine the conditions related to the use of excerpts. The Procedure Committee tabled its report on 22 August 1990 and considered that no changes should be made to the conditions but that they be tried and reviewed 'in the light of experience'. See Senate Procedure Committee, *First report of 1990: Conditions governing television broadcasting of Senate proceedings*, 22 August 1990, p. 1.

8 *Radio and television broadcasting of Senate proceedings*, Resolution adopted by the Senate 31 May 1990 (amended 18 October 1990).

9 *Broadcasting of proceedings—conditions for broadcasters*, Resolution adopted by the House of Representatives 1 May 1996 (amended 8 February 2012).

10 *Journals of the Senate*, No. 10, 11 December 2013, pp 336–339; *House of Representatives Votes and Proceedings*, No. 12, 9 December 2013, pp 182–183.

Committee comment

1.11 The committee notes that new resolutions on the broadcasting of parliamentary proceedings have been passed by both Houses of the Parliament that omit restrictions on the use of broadcast material for the purposes of satire or ridicule. As a result, the issue which the bill attempts to address has been resolved.

1.12 The committee also notes that if the intention of the proposed legislation is to remove restrictions on the use of excerpts of parliamentary proceedings for the purposes of satire and ridicule, the bill can only be of marginal usefulness given the limited scope of the JCBPP's role. Furthermore, the bill would be of limited effectiveness given that broadcast resolutions are matters determined by each House of Parliament.

1.13 The committee therefore recommends that the Senate not pass the bill.

Recommendation 1

1.14 The committee recommends that the bill not be passed.

Senator John Williams
Chair

