



THE SENATE

STANDING COMMITTEE ON COMMUNITY AFFAIRS
References Committee

To: Senator Ralph Babet

Dear Senator Babet

Re: video material from public hearing on social media

I refer to the Senate Committee's Affairs References Committee's public hearing in Canberra on 13 June 2024 as part of the committee's inquiry into Excess Mortality.

It has been drawn to the committee's attention that you have published video material from the public hearing on 13 June on your social media accounts that does not meet the requirements of the Senate or the committee that the broadcasting of committee proceedings be fair and accurate. The committee also notes that you have used excerpts of committee proceedings in paid posts on Facebook.

The resolutions of the Senate that relate to broadcasting of Senate and committee proceedings require that the broadcast of committee proceedings, including excerpts of those proceedings, are for the sole purpose of making fair and accurate reports of those proceedings.

Resolution 3(6) states:

Broadcasts of proceedings of a committee, including excerpts of committee proceedings, shall be for the purpose only of making fair and accurate reports of those proceedings, and shall not be used for:

- (a) political party advertising or election campaigns; or
- (b) commercial sponsorship or commercial advertising.

The committee draws to your attention that a court may hold that the publication of the material does not amount to a 'fair and accurate report' of proceedings under the law of qualified privilege. This means that the publication is unlikely to receive protection from defamation action: section 10 of the Parliamentary Privileges Act 1987.

In addition, the publication of the video may amount to a misleading report of the committee's proceedings which may be investigated as a possible contempt under Privilege Resolution 6(7):

A person shall not wilfully publish any false or misleading report of the proceedings of the Senate or of a committee.

The committee asks that you immediately remove the video material and advise the chair of the committee when you have done so.

Please contact me if you wish to discuss.

Yours sincerely

Senator Penny Allman-Payne
Chair

19 June 2024