

## Background paper – Photography in the Senate Chamber

August 2014

### Background

The Federal Parliamentary Press Gallery Committee has requested that the rules relating to photography in the Senate Chamber be reviewed. The President has referred this matter to the Senate Standing Committee on Procedure for its consideration. This paper provides background information to this issue.

### Rules governing photography in the Senate Chamber

Photography in the Senate Chamber is governed by a resolution of the Senate and rules issued by the Presiding Officers.

#### *Resolution of the Senate*

In March 2002, the Senate resolved that “Photographs of any senator may be taken by the media in the chamber whenever that senator has the call.”<sup>1</sup>

#### *Rules for Media Related Activity in the Parliamentary Precincts*

Media activity within the Parliamentary precincts is governed by the *Rules for Media Related Activity in Parliament House and its Precincts, November 2012* (‘Media Rules’). The Media Rules were issued by the Presiding Officers under authority of section 6 of the *Parliamentary Precincts Act 1988*, following a review of the existing guidelines conducted by the members of the Joint Committee on Broadcasting of Parliamentary Proceedings.<sup>2</sup> The Media Rules were disseminated in February 2013.

#### *Photography in the Senate chamber*

Under paragraph 5.7 of the Media Rules, Press Gallery photographers are permitted to take photographs in the Senate and the House of Representatives chambers under certain conditions, including:

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<sup>1</sup> 21 March 2002 J.269 (on a motion of Senator Brown moved as formal business).

<sup>2</sup> In 2011 the Presiding Officers wrote to the members of the Joint Committee on Broadcasting asking them to conduct a review of media arrangements applying in Parliament House and the exiting *Guidelines for Filming and Photography and General Media Rules in Parliament House and its Precincts, December 2008*. Due to the narrow statutory role of the Joint Broadcasting Committee, the review was not conducted formally by the Committee. Rather, it was an informal review conducted by the members of the Broadcasting Committee upon the request of the Presiding Officers. Parliamentary Officers from the House of Representatives provided support for the review. The Parliamentary departments and the media made submissions to the review and meetings with media representatives were held. New draft rules were prepared and the chair and deputy chair of the Committee then recommended the document to the Presiding Officers to promulgate.

- directions from the Chair must be followed
- photographs must not be taken closer than head and shoulders distance
- photographs cannot be taken of documents on electronic devices
- photographs must not be taken of disturbances, persons in the galleries or persons in the chamber environs, and
- flashes must not be used.

As noted above, in the Senate Chamber a further restriction applies in accordance with the 2002 resolution of the Senate. This is reflected in the paragraph 5.7 of the Media Rules which states:

Authorised still photographic access in the Senate chamber is further subject to an undertaking to comply with the following condition: (a) photographs of any Senator may be taken by the media in the chamber whenever that senator has the call.

The effect of this resolution is that photographs can only be taken of senators with the call: broader shots of the chamber, senators without the call, or groups of senators are not permitted.

From time to time this rule is relaxed, with the permission of the President or his delegate (the Usher of the Black Rod), for significant events such as the opening of Parliament. This is reflected in paragraph 5.8 of the Media Rules which states:

Alternative arrangements for still photographic access may apply during other significant events (e.g. address to the houses by a Head of State). The Presiding Officers' delegates will consult the Federal Parliamentary press Gallery Committee in advance of such arrangements being made.

One further difference between the rules that apply in the Senate and the House of Representatives chambers relates to the number of photographers that can be in the galleries at any one time. In the Senate, there is no limit on the number of photographers that can be in the Press Gallery, however, there is a cap of five photographers that can be present across the public galleries at any one time. In the House of Representatives, the maximum number of photographers across all galleries at any one time is 20.

In addition to Press Gallery photographers, the Auspic photographer is also permitted to take photographs in the Senate and House of Representatives chambers. Auspic is a unit within DPS that provides photographic services to the parliamentary departments and members of parliament. It is currently staffed by one photographer who works in both chambers and across the Parliament. The Auspic photographer takes photographs from the press and public galleries in the chambers and abides by the same rules as the Press Gallery photographers. On occasion the Auspic photographer will, with prior approval, take photographs of the chamber more broadly than Senators with the call

during significant events such as openings of parliament and upon the request of the department or DPS for use in promotional and educative resources. The role of Auspic is reflected in the Media Rules (5.2).

Members of the public are not permitted to take photographs in the Senate or House of Representatives chambers when in session. This rule is communicated clearly through signage before the entrances to the chambers and is reflected in the Media Rules (5.2).

### **The rules in practice**

Generally, the Press Gallery photographers abide by the rules and restrict their photography to Senators with the call. Over the years there have, however, been numerous incidences of Press Gallery photographers breaching the rules. Most recently, in May this year, the Usher of the Black Rod took action in relation to two photographers who took photographs of a Senator who did not have the call. The photographers were issued with a warning under the Media Rules. A sample of photographs that breach the Media Rules is included as Attachment B.

In the House of Representatives Chamber, where photographers aren't restricted to taking photographs of members with the call, a range of photographs are taken; of individual members with or without the call; groups of members; or small sections of the chamber.

During the July sittings requests were received from members of the Press Gallery to be permitted to take photographs during divisions. The President subsequently sought and obtained the concurrence of the Senate to permit photographs during divisions for the remainder of the July sittings on the condition that: photographs must be broad shots of the Chamber only; that individual Senators or groups of Senators not be the focus of any shot; and that the Media Rules are otherwise complied with.<sup>3</sup>

### **Concerns raised by the press gallery**

The Federal Parliamentary Press Gallery Committee has raised concerns with being restricted to taking photographs only of Senators with the call, noting the following points:

- no such restriction applies to the House of Representatives and consistency in the rules would promote greater awareness among photographers and reduce inadvertent breaches of the rules
- the restriction does not allow photographers to capture the breadth of the proceedings of the Senate, including capturing images of the debate as a whole or closer shots of Senators or groups of Senators engaged in proceedings

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<sup>3</sup> The definition of 'broad shot' was subsequently defined by the Usher of the Black Rod (in consultation with the President's Office) as follows: "for a shot to be 'broad' it does not have to incorporate the whole Chamber, as in all senators seats, as long as it is sufficiently broad to capture a large representative portion of the Chamber, and for it not to focus only on one Senator or group of Senators."

- the restriction is inconsistent with the rules relating to broadcasting whereby broad shots of the Chamber, and of smaller sections of the Chamber are captured.

It was also noted that the Media Rules differ for the two Chambers in relation to the number of photographers that can be present in the public galleries, with the Senate taking a more restrictive approach with regard to the public galleries.

### **Implementation of any changes**

Any change to the current restriction created by the 2002 resolution of the Senate would require a further resolution of the Senate. Any change to the rules relating to photography in the Chamber that was resolved by the Senate would require a subsequent amendment to the Media Rules. The Media Rules are drafted in such a way that if the Senate determined to remove or otherwise change the restriction on photography contained in its 2002 resolution, a minor amendment to the Media Rules to delete or amend paragraph 5.7 is all that is required. Such an amendment would have no impact on the rules as they relate to the House of Representatives. An amendment to the Media Rules can be achieved administratively.

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