

Parliament, the executive and the media

Fault lines in the federal fourth estate

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At a pre-election press conference in 2010, Prime Minister Gillard unnerved the *Australian* newspaper's political journalist, Samantha Maiden. Maiden wrote that she found it 'just plain weird' to ask a question, only to watch the PM 'mindlessly stare at the camera instead of looking you in the eye'. She wrote that it may be 'strangely comforting in your living rooms' but it was disconcerting to see the PM 'fix on the whirring technology at the back of the room with a look of startling intimacy' whilst dozens of journalists were treated as 'props'.

The idea of federal press gallery journalists as stage props is not new. Research shows for instance, that former Liberal Prime Minister John Howard's commanding use of talk back radio was an effective detour around the scrutiny of the fourth estate. Interview data from that time conjure a compelling image of up to 200 journalists cooling their heels in the federal parliamentary press gallery corridors, whilst the PM held court with an interstate talkback host.

Journalist Alison Carabine¹ who headed up one of only two national radio network gallery bureaus in 2004, described the 'savvy' way the PM's three-in-one-strategy met his daily media obligations in one go. A commercial TV crew would film the radio studio session and the audio almost immediately transcribed by digital voiceware [and] 'so print and broadcast all fed off the one interview', with no leeway given for follow-up questions.

These anecdotes are contemporary reflection of the perennial tension between journalists and governments. In fact, politicians' abiding desire to avoid the media and talk directly to voters is as old as our system of democracy itself and although the fourth estate has become a distinctive product of it, its role was centuries in the making.

British political historian, Andrew Sparrow² explains 'although the Westminster Parliament has (now) existed for at least seven hundred years, for the first half of its

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¹ Ester, H. 2009. Interview with Alison Carabine, 2004. In: *The Media and John Howard PM — Systemic fault lines in the Canberra fourth estate?* Unpublished doctoral thesis.

² Sparrow, A. 2003. *Obscure scribblers: a History of Parliamentary journalism*. Politico's Publishing, an imprint of Methuen Publishing. London.

life, it was in the happy position of not having to worry about [accommodating] the press'. In those days, reporting and publishing parliamentary proceedings was a crime of subversion. First-hand information restricted whoever could squeeze into the public galleries to see their parliament at work for themselves — and perhaps provide parliamentarians the chance look their constituents in the eye. However, just as they do today, the public wanted to know what elected representatives were up to and the 18th/19th century bans saw a flourishing black market in political news and parliamentary debates. Renowned author and journalist Charles Dickens captured some of the difficulties when he recalled his experience of surreptitiously reporting from the public gallery, which he described as a 'preposterous pen': He wrote: 'I have worn my feet by standing to write in the old House of Lords, where we used to be huddled together like so many sheep.'³

Political journalists have long since enjoyed dedicated space in benches overlooking legislative chambers and the fourth estate's quasi-institutional watchdog role now indelibly linked with principles of free speech. In spite of innate tensions, tenets of open government demand that at the very least, this relationship is functional. In a speech to the 'Australia's Right to Know' conference in early 2009, former Labor Minister of State John Faulkner noted that although:

secrecy of Parliamentary proceedings at the birth of the Westminster system is long gone [nonetheless] the idea that the best way to protect responsible government is by keeping information about that government as confidential as possible, has been very slow to die.⁴

The quasi-institutional role of the federal parliamentary press gallery (the gallery) tasks it with the job of revealing the workings of government and the machinations of the national political system. Extensive interviews with gallery journalists show they continue to self-define against this benchmark⁵ as Paul Bongiorno (TV Network 10) said in 2003:

Basically all journalism is about communication and distilling issues into digestible and more readily understandable forms and after all, in a democracy for political journalism, that is a universal franchise. When key issues are understood by voters then you know the media's doing their job.⁶

³ Dickens, C. 1865. Speech to the Newspaper Press Fund 20 May 1865 in Palgrave, R. 1964 *Partners in Parliament. A Report to the [Westminster] Press Gallery*. London

⁴ Faulkner, J. (Senator). 2009. Speech to the *Australia's Right to Know Conference*. 24 March, Sydney.

⁵ Quantitative survey data have consistently confirmed this self-definition for example Ester. H. MacDonald, J. 2005. *Unpublished demographic survey data from the Federal parliamentary Press Gallery*; Henningham, J. 1995. Political journalists' political and professional values. Table 5: Journalists' Attitudes to News Media Functions. In: *Australian Journal of Political Science*, 30(2). July; **Schultz, J.** 1992. Media and democracy survey (Australia) special supplement. In: *The Journalist*. Australian Journalists' Association. October. Sydney, NSW.

⁶ Ester, H. 2009. Interview with Paul Bongiorno 2003. In: *The Media and John Howard PM — Systemic fault lines in the Canberra Fourth Estate?* Unpublished doctoral thesis.

Tension in the Howard years

This paper discusses the significance of interview data, documentary evidence and case studies gathered during the prime ministership of John Howard that revealed the age-old tensions in executive-media relations were stretched, almost to breaking point. This research process also exposed long-standing fault lines in the relationship between the federal fourth estate and executive governments that are unique to Canberra and date back to the parliament's establishment in the national capital in 1927. One notable difference was that, during the first two decades in Melbourne, the early federal gallery had often been robust in defence of its role⁷ but once the parliament moved to Canberra, during the subsequent eight-decades collective action all but evaporated for reasons outlined later in this paper.

Breaking points

It was a tellingly unusual event during the Howard years when in 2002, nine federal gallery journalists participated in a protest action. They represented both commercial and public sector mainstream bureaus — News Ltd, Fairfax Media, the Special Broadcasting Service (SBS) and the Australian Broadcasting Corporation (ABC). Their strongly worded collective submission to the senate committee of inquiry into 'A Certain Maritime Incident' (more commonly known as the 'children overboard affair') complained of a sustained 'campaign of censorship and misinformation', orchestrated at the highest levels of government. The opening paragraph claims 'the campaign was conducted by the Ministries of Defence and Immigration as well as the office of the Prime Minister, [and] 'peaked during the Tampa⁸ incident and continued through the HMAS 'children overboard' affair.'⁹

A year later, a second strident protest was lodged claiming extremely adverse treatment of gallery journalists during the visit of US President George W. Bush in October 2003. On behalf of all their colleagues, the gallery committee president and secretary, Malcolm Farr and James Grubel delivered a protest letter to the Speaker

⁷ For example, in 1914 the Melbourne-based Gallery countered threats to their rights of access by compiling a 'lousy list' of politicians they would refuse to report (Lloyd 1979, p.30).

⁸ A reference to the government's decision in late 2001 to refuse a request from the captain of a Norwegian ship the *MV Tampa* for asylum for over 400 Afghan refugees, rescued at sea close to Australia's territorial waters. Although there were immediate humanitarian issues, it was treated as a matter of national security and the media subjected to a range of harsh controls.

⁹ Barker, G. et al., in Commonwealth of Australia. 2002. 'Senate Inquiry into a certain maritime incident', *Senate submission No. 13, May 15 2002*. Final report tabled 23 October.

of the House claiming there had been a ‘craven capitulation of [parliamentary] sovereignty’ to the visiting US media’.¹⁰ They cited the fact that:

- The parliament was closed to the public
- Authority over media passes was transferred from the parliament to the Prime Minister’s department and negotiation with US officials outsourced to a private contractor with no power over the American secret service which in turn, arbitrarily refused entry to several gallery reporters.
- Gallery photographers’ rights of access to the parliamentary chambers was suspended and restricted to the government’s *Auspic* bureau;
- There was a ban on distributing photographs taken during president Bush’s meeting with then opposition leader Simon Crean.

Interview data gathered from the gallery before and after these two protests suggest the incidents were the tip of an iceberg of disillusion and discontent.

The data paint a picture of cumulative deterioration in access to sources of political news and information, as well as severely truncated time frames for analysis and a significant increase in tighter executive control over political communication. Journalists describe the challenges of a controlling, unregulated environment and an expanding ‘octopus-like’ (Walsh 2004) network of media minders employed under the loosely constructed and opaque *Members of Parliament (Staff) Act 1984* (MOPS) — dispersed not only amongst the executive, but also the government backbench and the public service.

Two onerous examples from this period were an orchestrated and expensive crack-down on leaks from the public service and the widespread monitoring of the ABC’s political news for instances of bias. With regard to the first, former Minister of State, Senator Chris Ellison, revealed the scale of resources allocated to catching whistleblowers or leakers between 2004–2006 was over \$2m (\$2,160,940.00) and consumed 20,980 federal police staff hours.¹¹ Other documents tabled by Ellison showed the indiscriminate nature of the crackdown. Of the thirty-eight cases selected from well over a hundred referrals, a majority involved low level security portfolios or authorities — such as the Commonwealth Superannuation Administration, the Departments of Employment and Workplace Relations, Finance and Administration, Transport and Regional Services, Health and Aged Care. In one case, the federal police subjected the editor of the *National Indigenous Times*, Chris Graham, and his wife to a humiliating dawn raid on their home where they were forced to stand by in their pyjamas as their personal effects and belongings

¹⁰ Farr, M. and Barker G. et al. 2002. In: Commonwealth of Australia. 2002. ‘Senate Inquiry into a certain maritime incident’, *Senate submission No. 13. May 15 2002*. Final report tabled 23 October.

¹¹ Ellison, (Senator) 2006. Senate Questions on Notice 9 October 2006. In: Senate Hansard Question No. 2107: Australian Federal Police Investigation of Government Information. 9 October 2006.

were searched.¹² Another case related to changes in war veterans' pension levels. In the crackdown gallery journalists Michael Harvey and Gerard McManus were charged with criminal contempt and fined for sticking to the Journalists' Code of Ethics and refusing to reveal the source of their information.

With regard to the ABC, former minister, Senator Richard Alston, ordered ABC reporting, research, commentary and questioning be monitored for tell-tale signs of imbalance and/or bias in scripting, voice intonation and emphasis. And alongside this, was an on-going individual effort by Liberal Queensland Senator Santo Santoro who told a senate committee he had set up an elaborate monitoring scheme from his electorate office.

In the final year of the Howard government the concerns of federal gallery journalists had clearly spread well beyond Canberra into the media industry generally. In early 2007, the commercial media oligopoly, public sector media and the journalists' union (the Media Entertainment and Arts Alliance) joined forces to form an historic coalition and independently-fund an audit of the *State of Free Speech in Australia*, chaired by Irene Moss.¹³ Under the banner of 'Australia's Right to Know' they campaigned for better freedom of information laws, protection of whistleblowers, shield laws for journalists and for an end to the worst aspects of the government's media management strategies.

Systemic flaws and fault lines

The evidence shows that the Howard years were indeed a low point in the history of the federal fourth estate and like much else during that time, many critics saw this low point as another example of heavy-handed neo-conservatism. However, a closer examination of the history of the federal executive's terms of engagement with gallery journalists, reveals a story of systemic flaws rather than of party ideology. The excessive controls in place in Canberra by 2007 were not new but instead represent a significant intensification in long-standing practices that have their origin in the unique way political journalism evolved in the federal Parliament.

Fault lines began to appear soon after 1927, when the federal parliament was relocated from Melbourne to the purpose-built national capital. It was then that the Australian parliament compromised westminster convention by allowing both the

¹² Ester, H. 2007. 'The Media' in Hamilton, C. and Maddison S (eds) *Silencing Dissent*. Allen and Unwin Sydney.

¹³ Moss, I. (chair). 2007. *Report of the Independent Audit of the State of Free Speech in Australia*. Australia's Right to Know. 31 October. Published by: News Ltd; Fairfax Media; Australian Broadcasting Corporation (ABC); FreeTV Australia; Commercial Radio Australia; Special broadcasting Service (SBS); Australian Associated Press (AAP); Sky News; Australian Provincial Newspapers (APN) New media; Australian Subscription Television and Radio Association (ASTRA), The West Australian and the Media Entertainment and Arts Alliance (MEAA).

executive and the media to set up offices within its realm — unlike any other parliament in comparable political systems. Only in Canberra are both the executive offices and media bureaus lodged squarely within the bounds of parliament house. It is an unprecedented arrangement that shows scant regard for ensuring the parliament's constitutional sovereignty is underpinned through physical separation.

The late Clem Lloyd's seminal work *Parliament and the Press* shows how this Australian version of the westminster franchise skewed executive-media relations and came to define federal political journalism. Lloyd's work describes how a laissez-faire attitude to parliamentary space was accompanied by ill-defined terms of engagement in executive-media relations and best described in his words, as an accumulation of 'ramshackle rules'.¹⁴

These ramshackle rules laid the foundation for the exercise of executive discretion and favouritism — an ad hoc but effective manipulative technique (famously described as the 'drip feed' by former Labor Prime Minister, Paul Keating).

The longest serving member of the gallery, Rob Chalmers (*Inside Canberra*) described the effectiveness of this practice:

If you're not on the drip-feed from the Prime Minister's office when the big stories are coming, if you're offside with the Government...your editor is going to ask you: 'Well why aren't you getting those stories?'¹⁵

Overall the terms of engagement crafted in Canberra:

- Created a political news staffing structure that privileges reporting of the executive over reporting of parliament, and unlike elsewhere (e.g. UK/US), the entire gallery is focused on the executive and the Australian Associated Press (AAP) wire-service is largely left to pick up the rest — creating in essence, a three-tiered structure determined, not by media employers, but by the government executive.
- Fostered a culture of 'leak dependent' journalism that is in itself vulnerable to manipulation exacerbated by weak or ineffectual Freedom of Information (FOI) laws. Comparative research by Australian scholars Johan Lidberg and Alec McHoul,¹⁶ found workable FOI laws in Sweden are regarded as 'journalistic tools' allowing independent access to political information to contradict or verify official versions. Their research found 40.5 per cent of [political] news stories in Swedish newspapers relied on paraphrasing of primary documents acquired from government agencies as their main source; while in Australian

¹⁴ Lloyd, C. J. 1988. *Parliament and the press*. Melbourne University Press. Victoria.

¹⁵ Chalmers, R. 1998. Interview on: The Persuaders. *ABCTV: Lateline* program. 12 September. Cited Fitzgerald, J. 2008. *In side the Press Gallery*. p. 161.

¹⁶ Johan Lidberg and Alec McHoul, 2002 *Freedom of information and journalistic content in Western Australia and Sweden* an unpublished paper presented to the 2002 *Public Right to Know (PRK2) conference* Australian Centre for Independent Journalism, University of Technology, Sydney

the main source of primary data (36.6 per cent) was paraphrased from oral sources.

The executive and media's co-location inside the parliamentary realm accompanied by unregulated 'ramshackle' terms of engagement and the exercise of favouritism created lasting fault lines that were apparent soon after the 1927 move to Canberra.

They were apparent for instance:

- in 1931, during the Labor government of Prime Minister James Scullin when Joe Alexander from the Melbourne *Herald* was banned from parliament house for five months for writing a story based on leaked cables between Scullin and members of the Labor party relating to leadership tensions;
- when Prime Minister John Curtin's government (1941–45) banned gallery journalist Richard Hughes from his workplace for an article headlined '*Those meddling old men of the Senate*', and, for good measure, removed media passes from *all* of Hughes' colleagues in the *Sunday* and *Daily Telegraph* bureaus;
- during Prime Minister Bob Menzies's long incumbency (1949–1966) when Speaker Archie Cameron meted out ad hoc, oral and written punishments and more draconian still, when the Menzies's executive infamously engineered the jailing of two journalists, Frank Browne and Brian Fitzpatrick, for the 'crime' of writing an article scathing of a government backbencher.

Until the Howard years, the divisive effects of the executive's capacity to play favourites were consistently apparent and starkly reflected in the gallery's history of avoiding action or complaint when major injustices were meted out to their colleagues — for example during the Alexander, Hughes, Browne/Fitzpatrick and *National Indigenous Times* cases cited earlier. Commenting on the Browne/Fitzpatrick case, Clem Lloyd (1988) saw the gallery as 'more concerned with protecting its collective hide and distancing itself from two miscreants, than sounding any call for press rights'.¹⁷

Conclusion

The federal parliament and the media industry alike, clearly need to consider:

- How to negotiate greater transparency and regulation of the tripartite relationship between the government executive, the parliament and the fourth estate, through a formal *concordat* that recognises the quasi-institutional role of the gallery — first raised by speaker Archie Cameron in the early 1950s.¹⁸

¹⁷ Lloyd, C.J. 1988. *The Parliament and the Press*. Melbourne University Press. Victoria.

¹⁸ Lloyd, C.J. 1979. 'The development and organisation of the Federal Parliamentary Press Gallery, 1901–1978'. Unpublished Master of Arts thesis submitted 1979, the Australian National University. Canberra.

- A re-examination of arguments for relocating gallery bureaux outside Parliament House to improve the fourth estate's credibility and independence — and alleviate the executive's capacity for favouritism.

The fault lines in the federal fourth estate also challenge media employers to follow through on their overt concerns about political manipulation. They could, for instance, assert their right to allocate journalistic resources that ensure an even coverage of both the executive and the parliament. The Australian system may then better resemble other westminster-derived political systems where not only are media offices located outside parliament house, but there are also separate corps of specialist journalists who report on the legislature and another which covers the executive — as is the case for example, with the White House press corps and the westminster 'Lobby'. The argument for relocating gallery bureaux outside the bounds of parliament house was first raised by Keith Murdoch in the 1960s, and has continued to be canvassed in public discourse, most recently by the Chief Executive Officer of News Ltd, John Hartigan, during questions following an address to the National Press Club in July 2009.

The Parliament could also examine arguments in favour of re-locating the executive's offices outside its realm. Political historian Clement Macintyre in a 2008 lecture speculated:¹⁹

Having the legislature and the executive housed in their own buildings would allow each to function in a way less inhibited by the presence of the other. If this building [parliament house] was unambiguously the place of the elected representatives of the people rather than being simultaneously the symbol of the government then visitors, elected members, and those who work here in other capacities would view the building in a different light. While I cannot quantify this in any measurable way, it is self-evident that the perceptions of a place change the way that it is used and the way that occupants engage within it.

New media

Today's multi-faceted media environment makes resolution of these systemic problems all the more pressing. There is already robust contention about the impact of Web2.0 media technologies and the pluses and minuses of the multi-faceted capacity for governments to avoid the critical expertise of political journalists, at the same time as they enhance their capacity to communicate with a wide variety of constituencies. In this context there are many good reasons for serious consideration of a public TV channel to provide 24-hr coverage of the proceedings of Parliament through a system such as the C-Span service in the USA. This is a free (non subscription) service provided by a public affairs TV network. It covers both the congress and the senate, committees, media conferences, speeches. Surveys show thirty per cent of households watch occasionally and 10 per cent regularly, several

¹⁹ Macintyre, C. 2008. Parliamentary architecture and political culture. In: *Australian Senate Occasional Lecture Series, 9 May*. Parliament House. Canberra.

times a week — altogether reaching around 23 million people, including a significant proportion of young viewers, albeit on an ad hoc basis.²⁰

Importantly the C-Span model has also proved to be a useful platform for feedback. Most US politicians who appear on the network report ‘a significant increase in correspondence’ and over sixty-per cent believe it ‘enhanced the reputation of congress’. Eminent Australian media scholar Julianne Schultz has argued that a similar service in Australia should no longer be just an issue for the elected members and senators and is worthy of wider concern as a means for generating greater public access and interest in the processes of the national Parliament. ▲

²⁰ Schultz, J. 2002. Two cultures: Parliament and the media. In: *Senate Occasional Lecture Series*. 15 February. Commonwealth Parliament, Canberra.