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Fault lines in the Federal Fourth Estate

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At a press conference in July, Prime Minister Gillard unnerved the *Australian* newspaper's political journalist Samantha Maiden. Maiden 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' and in answer, talk only about 'moving forward'. She wrote that it maybe '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'. These comments by Maiden are a good reflection of the perennial tension between journalists and governments. Politicians abiding desire to talk directly to voters and avoid the media is as old as our system of democracy itself.

For centuries reporting proceedings from the public gallery in Westminster was a crime of subversion and first-hand information restricted whoever could squeeze into the public galleries to see their parliament at work for themselves – and perhaps look their constituents in the eye. In Andrew Sparrow 2003 book¹ *Obscure Scribblers* he notes 'although the Westminster Parliament has existed for at least seven hundred years, for the first half of its life it was in the happy position of not having to worry about the press'.

But just as they do today, the public wanted to know and the 18th and 19th century bans on political reporting created flourishing black markets in political news and parliamentary debates. The renown author Charles Dickens captured some of the difficulties experienced by early political journalists when he recalled his experience of surreptitiously reporting from the public gallery, which he described as a 'preposterous pen':

¹ Sparrow, A. 2003. *Obscure scribblers: a History of Parliamentary journalism*. Politico's Publishing an imprint of Methuen Publishing. London.

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.²

As we know, political journalists have long since enjoyed dedicated space in benches overlooking legislative chambers as well as the quasi-institutional status of the 'fourth estate' and that has indelibly linked that role with principles of free speech.

Even so the relationship between executive governments and journalists is clearly never likely to be easy or harmonious. However tenets of open government demand that at the very least, this relationship is functional. A fact summed up by former Minister of State John Faulkner³ as recently as 2009. In a speech to the 'Australia's Right to Know' conference, he noted that although 'secrecy of Parliamentary proceedings at the birth of the Westminster system is long gone... 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...however he added, 'it's now is recognised 'that the best safeguard against ill-informed public judgment is not concealment but information'.

At a national level the Federal Parliamentary Press Gallery – (hereinafter the federal Gallery) is charged with the task of revealing the workings of government and the machinations of the political system; and of giving meaning to the notion of informed consent.

This paper discusses how this works here on Capital Hill. It does so by drawing from federal political journalists' perspectives during the Howard years when the underlying tensions of executive-media relations were stretched in an unprecedented way—almost to breaking point. This period not only throws light on subsequent problems during the Rudd ascendancy but

² Dickens,C.1865. *Speech to the Newspaper Press Fund 20 May 1865* in Fielding (ed) *The speeches of Charles Dickens* OUP 1960.

³ Faulkner,J.(Senator). 2009. *Speech to the Australia's Right to Know Conference*. 24March.Sydney. Sydney

also reveals long-standing fault lines in the relationship between the federal fourth estate and executive governments dating back to the Parliament's establishment in the national capital in 1927.

Tensions in the Howard years

Three events demonstrated particularly high levels of stress in the problematic relationship during the Howard years.

In 2002 for the first time since the federal parliament moved to Canberra nine federal Gallery journalists participated in a protest. The action though small in scale was unprecedented.

In the eight decades since the move and for reasons outlined in the next section of this paper, collective action by Gallery journalists had been virtually unknown. However, in 2002 journalists from both commercial and public sector mainstream bureaus—News Ltd, Fairfax Media, the Special Broadcasting Service (SBS) and the Australian Broadcasting Corporation (ABC) made a strongly worded submission to the Senate Committee of inquiry into 'A Certain Maritime Incident' (more commonly known as the 'children overboard affair'), they complained of a sustained 'campaign of censorship and misinformation', orchestrated at the highest levels of government and In their opening paragraph they claimed 'the campaign was conducted by the Ministries of Defence and Immigration as well as the office of the Prime Minister, that 'peaked during the Tampa⁴ incident and continued through the HMAS 'children overboard' affair.'⁵

A year later, a second strident protest was lodged about the 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

⁴ 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.

⁵ 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.

Gallery committee president and secretary, Malcolm Farr and James Grubel delivered a protest letter to the Speaker of the House of Representatives claiming there had been a 'craven capitulation of [parliamentary] sovereignty' to the visiting US media'⁶. Their list of examples included:

- The transfer of responsibility for issuing media passes from the presiding officers to the Prime Minister's department, who then outsourced the responsibility to a private contractor who had no power over a US secret service decision not to recognise gallery passes.
- several senior reporters being blocked from entering in spite of extended negotiations and agreements struck between Parliament House security officers and the Gallery committee secretary.
- the suspension of commercial media photographers' rights of access to the parliamentary chamber and restricting it to the government controlled *Auspic* bureau;
- the granting of greater rights to the pool of US media than to the Australian media. For example, only the US media were permitted to cover the presidential motorcade; and
- to Gallery journalists a ban on distributing photographs—taken by government's *Auspic* bureau—during the President's private meeting with then Opposition Leader Simon Crean.

Interviews with a wide a cross-section of journalists working mainstream Gallery bureaus before and after the two protests confirm the incidents were the tip of an iceberg of widespread collective disillusion and discontent with the government's media management strategies.

They paint a picture of cumulative deterioration in sources of political news and information, describing new layers of dis-empowerment, frustration and disinformation. Most interviewees noted that the Howard Government had ushered new and more widespread executive control over political

⁶ 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.

communication. Two of the most onerous examples were an orchestrated and expensive crack-down on leaks from the public service and the widespread monitoring the Australian Broadcasting Corporation's political news for instances of bias.

With regard to first: The scale of resources allocated to catching leakers of unwelcome information was revealed by the former Minister for State Senator Chris Ellison, in an answer to a Question on Notice in October 2006. It cost over \$2m (\$2,160,940.00) between 2004-2006, and consumed 20,980 Australian Federal Police staff hours.⁷ Other documents showed the indiscriminate nature of the crackdown. Of the thirty-eight cases selected from well over a hundred referrals, a majority relate to 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 involving information about war veterans' pension levels, the gallery journalists who wrote the story, Michael Harvey and Gerard McManus, were charged with criminal contempt and fined \$7,000 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 that ABC reporting, research, commentary and questioning be monitored for telltale signs of imbalance and/or bias in scripting, voice intonation and emphasis and alongside this the official monitoring, 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.

⁷ 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

Lastly, an event in the final year of the Howard government, illustrates how the concerns of federal Gallery journalists had spread well beyond Canberra into the media industry generally. In early 2007 an historic coalition of the commercial media oligopoly, public sector media and the journalists' union (the Media Entertainment and Arts Alliance) joined forces to independently fund an audit of the *State of Free Speech in Australia*, chaired by Irene Moss.⁸ 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

The Howard years indeed represent a nadir in the history of the federal fourth estate. However this paper argues that in Canberra, the excessive controls in place were not new but an intensification of long-standing practices and that have their origin in the unique way political journalism evolved in the federal Parliament.

There's little doubt executive-media plunged to an all-time low during the Howard years and like much else during that time, many critics saw this low point as another example of rampant neo-liberalism. But a closer examination of history of the terms of engagement between federal governments and political journalists reveals a story of systemic flaws rather than of party ideology.

Fault Lines

History shows that the 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

⁸ 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).

convention by allowing both the executive and the media to set up offices within its realm. This unprecedented arrangement showed scant regard for a convention that underpins parliamentary sovereignty through physical as well as constitutional separation. Ever since, and unlike any other comparable political system anywhere else, both the executive offices and media bureaus have been lodged squarely within the bounds of federal parliament house.

The late Clem Lloyd's seminal work *Parliament and the Press* shows how this skewed the Gallery's relationship with governing executives away from accepted Westminster practices and came to define federal political journalism. The research shows a laissez-faire attitude to parliamentary space was accompanied by ill-defined terms of engagement in executive-media relations. They are best described in Lloyd's words, as an accumulation of 'ramshackle rules'.⁹

These ramshackle rules laid the foundation for the exercise of executive discretion; members of the Gallery were given exclusive access to high level political information in an ad hoc way (famously described as the 'drip feed' by former Labor Prime Minister, Paul Keating) and thus:

- 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 whilst the Australian Associated Press (AAP) wire-service is largely left to pick up the rest—creating in essence, a three-tier 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 particularly where there are weak or ineffectual Freedom of Information laws.

The fault lines were apparent fairly early on.

- Apparent for instance in 1931, during the Labor government of Prime Minister James Scullin when Joe Alexander from the Melbourne *Herald* was

⁹ Lloyd, C. J. 1988. *Parliament and the press*. Melbourne University Press. Victoria.

banned from entering parliament house for five months, for writing a story based on leaked cables between Scullin and members of the Labor party that showed leadership dissension in the Labor's ranks. Scullin's Attorney General ordered the police to start criminal inquiries. The Speaker demanded Alexander reveal his source. Alexander protested that it was unprecedented 'for the Speaker to act as an instrument of the Executive Government.

- Apparent again, 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.

- Apparent during Prime Minister Bob Menzies's long incumbency (1949-1966) when Speaker Archie Cameron continued meted out ad hoc, oral and written punishments; journalists were often banned from the library and/or the internal gardens for eavesdropping, or simply because they criticised politicians' behaviour. In 1951 the entire gallery was temporarily confined to their bureaus for two days, for a newspaper article critical of parliamentarians' use of the members' bar and other amenities.¹⁰ In the mid-1950s, the Parliament infamously jailed two journalists Frank Browne and Brian Fitzpatrick, for the 'crime' of writing an article scathing of a government backbencher.

- Starkly apparent in the federal Gallery's history of avoiding collective action by ignoring major injustices meted out to their colleagues amongst them the Alexander, Hughes and Browne/Fitzpatrick cases mentioned above.

Implications

My recent research explores this controlled but unregulated environment by examining its impact on contemporary political journalism in light of:

- The role of an 'octopus-like' (Walsh 2004) network of media minders employed under the loosely constructed and opaque Members of Parliament (staff) Act 1984 (MOPS), and dispersed not only amongst

¹⁰ Cameron, A. 1951. Commonwealth Parliamentary Debates, House of Representatives. November. p.1534.

the executive, but also the government backbench and the public service.

- The contemporary configuration of the gallery where there is a significant cohort (about a third) of ‘niche’ or ‘special-interest’ bureaus in the Gallery’s parliamentary precinct.
- The advent of Web2.0 media technologies and the pluses and minuses of a multi-faceted capacity for governments to avoid the critical expertise of political journalists and communicate directly through today’s social media phenomenon.
- In this environment I would suggest there is an increasingly pressing case for the introduction of a public channel to provide 24-hr coverage of the proceedings of Parliament through a system such as the C-Span service in the USA.

But the implications of these issues go beyond this to include the need for the federal parliament and the media 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 recognizes the quasi-institutional role of the Gallery— first raised by speaker Archie Cameron in the early 1950s.
- The arguments in favour of the Gallery bureaus being located outside Parliament House to improve its credibility and independence—first raised by Keith Murdoch in 1960s and in more recent years by several prominent journalists and media proprietors.

In short, this paper raises issues of pressing concern to the healthy functioning of democracy in Australia by outlining the lasting legacies of an Australian twist in Westminster traditions based on first-hand accounts, case studies of events, past and present.

It is also important to note, especially at a conference such as this one, the paucity of major literature addressing government-media relations. This recently highlighted by Mark Pearson and Roger Patching (2008) in *Government Media Relations: A ‘Spin’ through the Literature*. This 40,000-

word landmark review of literature on government media relations collated and cross-referenced from national and international source material, found the media relations 'industry within Australian government and politics' is a 'large, under-researched field.'¹¹

There is also an internationally recognised 'blind spot' in political communication, first highlighted at the 2001 joint session of the European Consortium for Political Research (ECPR)¹² and subsequently in the ECPR compendium, *Political journalism: New challenges, new practices* (2002). Both identify and argue there is an important case for political science scholarship to include journalists 'back at the core of scholarship', in order to take into account complexities in the 'overall power balance between journalists, politicians, spin-doctors and media owners'.

¹¹ Pearson, M. and Patching, R. 2008. *Government media relations: A 'Spin' through the literature*. Bond University. Queensland. At: <http://epublictions.bond.edu/hse_pubs/228> (s1.1, p.2).

¹² The European Consortium for Political Research is an independent, scholarly association of approximately 8,000 political scientists in over 300 institutions throughout Europe, as well as in institutions outside Europe which have associate membership.