

***From Fleet Street to official Tweet:  
the evolution of vice-regal communications in Australia***

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At first glance, reference to a mass communications theorist like Canadian Marshall McLuhan may seem peculiar at a conference dedicated to parliamentary enquiry, albeit one about ‘navigating disruption’. The father of new media theory predicted long before the internet that a cultural focus on communication would create a ‘global village’. He also coined the memorable aphorism in the 1960s, “the medium is the message”.<sup>2</sup> The medium, he argued, sometimes reveals more than the content of the message.

It follows that much of the *content* in focus in this paper – the constitutional, ceremonial and community duties of Australia’s vice-regal representatives<sup>3</sup> – although important, is hardly new ground. What may be novel, instead, is ‘how’ these duties are being proactively communicated in the social media age. In other words, what insights can we glean from vice-regal use of certain mediums.

Lest there are audible exasperations urging “less McLuhan, more May (of the Erskine variety!)”, this paper will also traverse the constitutional and statutory relationships between vice-regal representatives and the parliaments of which they are constituent parts.

The paper is structured in three sections. Part I will briefly overview the duties of Australian vice-regal representatives, focussing on their relationship to Australian parliaments. Part II will explain the history and purpose of the practice of Australian newspapers publishing ‘vice-regal notes’, a legacy from Fleet Street newspapers (hence the first part of the title!) which began printing the official engagements of the Royal Family in Georgian England after complaints of inaccurate reporting. As this paper explains, such notices have proved insightful in Australia at times of political crisis. As many Australian newspapers no longer publish these notices, the paper will then chart, in Part III, the use of other mediums by Australia’s vice-regal offices to fill this void. Part III will also provide examples where vice-regal representatives and their offices have used social media to communicate core constitutional duties. The paper concludes by examining Tweets sent by the current Queensland Governor<sup>4</sup> in the aftermath of the 2015 Queensland state election, where the sitting Premier<sup>5</sup> had lost his seat but a clear parliamentary majority was not immediately apparent. This appears to be the first time an Australian vice-regal representative used Twitter to explain the prerogative power of the appointment of a ‘chief minister’.

From the outset, it should be stated this paper focusses on charting the evolution of *proactive* public communications emanating from vice-regal offices to explain the official programme. This paper, therefore, generally excludes from analysis coverage of key

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<sup>1</sup> Communication and Media Coordinator, Office of the Governor, Queensland; appreciation goes to the Queensland Parliamentary Library for assistance with research into the history of ‘vice-regal notices’. This paper has been prepared for the Australasian Study of Parliament Group Conference, ‘Parliaments Navigating Disruption in 2019’, held at Parliament House, Canberra, on 2-4 October 2019.

<sup>2</sup> Marshall McLuhan, ‘Understanding Media: The extensions of man’ (McGraw-Hill, 1964).

<sup>3</sup> By ‘vice-regal representatives’, this paper refers to the Governor-General of the Commonwealth of Australia and the Governors of the six Australian states. For ease of reference, the Northern Territory Administrator is also included in the term ‘vice-regal representative’.

<sup>4</sup> His Excellency the Honourable Paul de Jersey AC.

<sup>5</sup> The Honourable Campbell Newman.

constitutional events by the mainstream media, however important such coverage has proved to be in explaining vice-regal duties.

## Part I – The duties of vice-regal representatives

The constitutions of Australia<sup>6</sup> and the states<sup>7</sup> are useful starting points for this discussion. The Crown is a constituent part of the federal<sup>8</sup> and state parliaments<sup>9</sup> in Australia, expressed as ‘the Queen’<sup>10</sup> everywhere except Tasmania where it is explicitly ‘the Governor’<sup>11</sup>. In all jurisdictions, Her Majesty The Queen is represented by a vice-regal representative appointed on the advice of the respective prime minister or state premier.<sup>12</sup>

Vice-regal representatives, therefore, as constituent parts of Australia’s parliaments, clearly form part of the broader discussion of ‘parliaments navigating disruption in 2019’.

The general duties of vice-regal representatives in Australia fall into three categories: constitutional, community and ceremonial.<sup>13</sup>

To curb what would otherwise be a broad discussion, this Part will centrally focus on the first of these three categories.<sup>14</sup>

Broadly speaking, these powers include:<sup>15</sup>

- The commissioning of the ‘chief adviser’ or ‘chief minister’ (the prime minister, premier or chief minister);
- The issuing of writs for elections;
- The granting of assent to bills;
- The dissolution, summoning and prorogation of parliament;
- The recommendation of the approbation of revenue;
- The exercise of the Royal prerogative of mercy; and

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<sup>6</sup> *Australian Constitution*.

<sup>7</sup> Unlike the *Australian Constitution* which is contained in a single document, state constitutions are inherently ‘flexible’ documents and constitutional provisions are often spread across multiple statutes, even though each state maintains a statute variously inclusive of the title ‘constitution’. The terms ‘state constitutions’ and ‘constitution’ used in this paper refer to the broader understanding of the term.

<sup>8</sup> *Australian Constitution*, s 1.

<sup>9</sup> *Constitution Act 1867* (Qld), s 2A; *Constitution Act 1889* (WA), s 2(2); *Constitution Act 1975* (Vic), s 15; *Constitution Act 1902* (NSW), s 3; *Constitution Act 1934* (Tas), s 10.

<sup>10</sup> See, example, *Australian Constitution*, s 1: “The legislative power of the Commonwealth shall be vested in a Federal Parliament, which shall consist of the Queen, a Senate, and a House of Representatives.”

<sup>11</sup> In Tasmania, it is ‘the Governor’; see *Constitution Act 1934* (Tas), s 10: “The Governor and the Legislative Council and the House of Assembly shall together constitute the Parliament of Tasmania.” Note that in South Australia, neither the Queen nor the Governor is an explicit part of the Parliament (see *Constitution Act 1934* (SA), s 4).

<sup>12</sup> *Australia Act 1986* (Cth), s 7(5).

<sup>13</sup> See, eg, Paul de Jersey, ‘An Address by His Excellency to Mark His Completion of 12 Months in the Office of Governor’ (Speech delivered at Government House, Queensland, 29 July 2015)

<<http://www.govhouse.qld.gov.au/the-governor-of-queensland/speeches/2015/july/anniversary-address.aspx>>.

<sup>14</sup> A detailed overview of the wider duties of vice-regal representatives, see, for eg, Sir Zelman Cowen, ‘The Office of Governor-General’ (1985) 114(1) *Daedalus* 127; note that some ceremonial functions, such as the opening of parliament, also straddle the constitutional.

<sup>15</sup> This list is incomplete, and there are several other duties which relate to vice-regal representatives in specific jurisdictions (for example, is dissolving parliament under ‘double dissolution’ provisions (see the *Australian Constitution*, s 57).

- The appointment of ministers of the Crown and executive councillors.

Some of these duties find their source in relevant constitutions and statutes, while others are immanent to the Crown and known as the 'prerogative powers'. Convention requires vice-regal representatives to exercise these duties, regardless of their source, on advice of ministers and/or the chief minister who assume political responsibility for it. The exception, of course, is when the vice-regal representatives exercise the so-called 'reserve powers', the limits of which fall outside the scope of this paper.<sup>16</sup>

As the former Governor-General, Sir Paul Hasluck, observed in a 1972 lecture, republished in 1979:

The Governor-General is not placed in a position where he can run the Parliament, run the Courts or run any of the instrumentalities of government; but he occupies a position where he can help ensure that those who conduct the affairs of the nation do so strictly in accordance with the Constitution and the laws of the Commonwealth and with due regard to the public interest... The Governor-General acts on advice, whether he is acting in his own name or as Governor-General-in-Council. He has the responsibility to weigh and evaluate the advice and has the opportunity of discussion with his advisers. It would be precipitate and probably out of keeping with the nature of his office for him to reject advice outright but he is under no compulsion to accept it unquestioningly.<sup>17</sup>

Similar observations can be made of Australian state Governors in relation to state legislative and executive branches.<sup>18</sup>

It is a key feature of Australian federalism that state parliaments, in almost all areas, remain in charge of their constitutional destinies; they are, as the Privy Council noted nearly a century ago, "masters of their household".<sup>19</sup>

As such, there are subtle differences in the constitutional functions of each state Governor (as established by their respective constitutional instruments) and between state Governors and the Governor-General. For example, the ability of Governors to refuse or grant dissolutions varies according to each state's fixed parliamentary term legislative scheme, made especially interesting by different methods of preserving aspects of the reserve powers.<sup>20</sup>

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<sup>16</sup> For completeness, it should also be noted there is some contention whether the granting of assent is a legislative or executive function; if it is the former, arguably a vice-regal representative is advised by the parliament and not always 'responsible' ministers.

<sup>17</sup> Sir Paul Hasluck, *The Office of Governor-General* (Melbourne University Press, 1979) 10.

<sup>18</sup> And, to a certain degree, between the Administrator of the Northern Territory and the Territory's parliament.

<sup>19</sup> *McCawley v the King* [1920] UKPCHCA 1, 125.

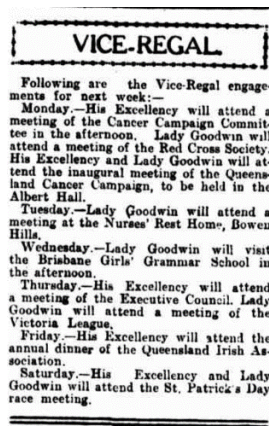
<sup>20</sup> As Professor Anne Twomey has elsewhere pointed out, s 24B(5) of the *Constitution Act 1902* (NSW) (which purports to preserve the Governor's discretionary power to dissolve the parliament 'despite any advice of the Premier or Executive Council') is interestingly worded, as there is no established convention which enables a Governor to act in such a manner without commissioning a new Premier to provide 'responsible' advice; see Anne Twomey, 'Cutting the Gordian Knot: Limiting Rather than Codifying the Powers of a Republican Head of State' (Papers on Parliament No 51, June 2009). Other jurisdictions have used different language when seeking to leave unaltered the reserved powers as they relate to dissolution (for example, s 19G of the *Queensland Constitution* simply states the fixed-term scheme 'does not affect the exercise of the Governor's reserve powers under established constitutional conventions').

## Part II – From Fleet Street: the origins of ‘vice-regal notices’

There is a high degree of parallelism in the broadly conceived duties of Australia’s vice-regal representatives with those of the monarch concerning the United Kingdom.

Consistently, many Australian colonial newspapers also adopted a British practice of explaining them: the publishing of ‘vice-regal notices’.

This term relates to the appearance in newspapers of official vice-regal programmes, an example of which is provided below:<sup>21</sup>



The Australian practice finds its origins in England, where in 1803 King George III became irritated by the failure of the press to accurately report the movements of the Royal Family.<sup>22</sup> The King created the position of ‘Court Newsmen’, whose “job consisted solely of supplying the daily newspapers with accurate information on Royal movements.”<sup>23</sup>

The practice continued under subsequent monarchs and remains the definitive account of the Royal programme. It is still published in various newspapers in the United Kingdom.<sup>24</sup>

It is unclear exactly when the practice migrated to the Australian colonies, however by the end of the 1800s many Australian newspapers were publishing the official vice-regal programmes under various headings. For example, in Queensland the practice appears to have been in place in the *Brisbane Courier*<sup>25</sup> at least from 1847, originally under the heading ‘Colonial Abstract’.

It is difficult to say with precision if newspapers have since printed in full or only in part the official vice-regal programmes. Consistent with the central role many Government Houses played in the social life of capital cities, it was common, especially around the turn of the nineteenth century, for aspects of the programmes to be published in the social pages of various publications. The *Australian Town and Country Journal*, which described itself as the ‘the Australian woman’s journal and mouthpiece’, from at least the 1880s featured a weekly ‘Vice-regal Doings’ column. The *Sydney Morning Herald* and *Courier Mail* published vice-regal engagements under the heading ‘Women’s Column’ (or similar) at various stages.

The high-water mark of the publication in newspapers of ‘vice-regal notes’ appears to have been during the mid-twentieth century, when metropolitan newspapers were consistently

<sup>21</sup> Published in the *Brisbane Courier* on Saturday 10 March 1928.

<sup>22</sup> Royal Family, *The Court Circular* (17 August 2016) < <https://www.royal.uk/court-circular-0>>.

<sup>23</sup> Ibid.

<sup>24</sup> The Times, The Daily Telegraph and The Scotsman.

<sup>25</sup> Later the *Courier Mail*.

publishing 'vice-regal notices' in all Australian jurisdictions.<sup>26</sup> This practice generally continued into the early part of the twenty-first century.

These 'vice-regal notices' have proved particularly interesting at times of great political crisis in Australia.

For example, the Canberra Times, which has a long record (now ceased) of publishing the official programme of the Governor-General and their spouse, contained the following on 12 November 1975:



The previous day's 'vice-regal notices' published in the same newspaper recorded a meeting between the then Governor-General<sup>27</sup> and the Chief Justice of the High Court.<sup>28</sup> It is not the intention of this paper to comment on the propriety or otherwise of the judiciary advising vice-regal representatives of the exercise of reserve powers.<sup>29</sup> However, it is sufficient to say, for present purposes, that the publishing of vice-regal notices during November 1975 was important in placing on the public record moments of constitutional import.

Therefore, while 'vice-regal notices' as they have appeared in Australian newspapers cannot be regarded in all circumstances as sources of absolute truth, they have at times proved useful in illuminating key aspects of a vice-regal representative's duties as they relate to parliaments.

Over the past few years, and in some cases in the last few months, newspapers have ceased printing 'vice-regal notices' of the Governor-General, and State Governors in

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<sup>26</sup> This excludes the Northern Territory.

<sup>27</sup> The Right Honourable Sir John Kerr AK GCMG GCVO QC.

<sup>28</sup> Sir Garfield Barwick PC AK GCMG Kt KC.

<sup>29</sup> Although, as Professor Twomey has pointed out, such action is hardly without precedent; see, eg, Anne Twomey, 'Mason's role in the 1975 dismissal 'unprecedented'? Hardly', *The Conversation* (online), 31 August 2012 < <https://theconversation.com/masons-role-in-the-1975-dismissal-unprecedented-hardly-9174>>.

Queensland, Western Australia and Victoria.<sup>30</sup> To fill this void, and to achieve other objectives, vice-regal offices have utilised other mediums; Part III will chart their use.

### Part III – To official Tweet

“With a volley of traditional cannon blasts and a flurry of 21<sup>st</sup>-century tweets” was how The Australian reported the swearing-in on 29 July 2014 of Queensland’s current Governor, and the first with a social media presence.<sup>31</sup> Several Tweets were sent from the @QldGovernor account that day, one for each official programme element, including an image of the Governor, with Mrs Kaye de Jersey, in the back seat of the ceremonial Rolls Royce on the way to the official swearing-in at Parliament House. A Facebook account was also launched.

At the time, the Office of the Governor in Western Australia also had an active Twitter account, @GovHouseWA, established in 2013, and Government House in Tasmania maintained a Facebook account in its name.

These were the first green-shoots of social media use by Australia’s vice-regal representatives.

Over the past five years, all Australian vice-regal representatives,<sup>32</sup> or their offices, have established a social media presence using a combination of Facebook, Instagram and/or Twitter accounts.<sup>33</sup>

All vice-regal offices also maintain a website, where official programmes are invariably uploaded now (most on a daily basis) as an accurate and complete record.

There is variation in the use of the social media accounts, especially as they relate to vice-regal constitutional duties.

The Queensland Governor’s official Twitter account has replaced the ‘vice-regal notices’ previously published in the Courier Mail as the definitive record of the official programme,<sup>34</sup> with “every official engagement since 29 July 2014 (having) been Tweeted and... now there to be assessed on the public record.”<sup>35</sup>

In recording all official engagements, the Queensland Governor’s Twitter account places prominently on the public record many of the Governor’s constitutional duties relating to parliament. For example, a Tweet is sent whenever the Governor grants assent to a bill/s of the parliament. While this practice does not have the same legal force as notification in the Gazette,<sup>36</sup> it does provide a real-time account to wider audiences of bills to which assent has been granted.

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<sup>30</sup> The Adelaide Advertiser and the Sydney Morning Herald continue to regularly publish the ‘vice-regal notices’ of the Governors of South Australia and New South Wales respectively.

<sup>31</sup> Sarah Elks, ‘Governor Paul de Jersey swears to serve, in 140 characters’, *The Australian*, 30 July 2014.

<sup>32</sup> Except South Australia.

<sup>33</sup> Some offices also use LinkedIn and other mediums, however these fall outside the scope of this paper.

<sup>34</sup> Alongside publication of the Queensland Government House website; the Courier Mail continues to publish a note on its ‘Letters’ page under the heading ‘Vice Regal’ which states: ‘The Queensland Governor’s program is published on Twitter @QldGovernor and [www.govhouse.qld.gov.au](http://www.govhouse.qld.gov.au)’.

<sup>35</sup> Paul de Jersey, ‘Reception for outstanding Queensland contributors’ (Speech delivered at Government House, Queensland on 29 July 2019) <<https://www.govhouse.qld.gov.au/the-governor-of-queensland/speeches/2019/july/reception-for-outstanding-queenslanders.aspx>>.

<sup>36</sup> Which for many bills, is the point at which they become effective law.

Even a casual follower of the Governor-General's official Instagram account in 2019, @GG\_Australia, would have obtained a solid understanding of Governor-General's roles and responsibilities relating to parliament. The account, in full photographic splendour, has already recorded the current Governor-General's<sup>37</sup> swearing-in ceremony, the first time assent was granted, and the presentation of Commander-in-Chief insignia, consistent with the designation of this high office of the Governor-General under the *Australian Constitution*.<sup>38</sup>

In at least three jurisdictions this year,<sup>39</sup> Governors used Facebook effectively to highlight their role<sup>40</sup> in issuing the writs for the election held on 18 May 2019 of senators. As some of these posts explained, senate writs are issued by Governors upon the advice of state ministers, preserving the role of the senate as the 'linchpin' of the federal balance,<sup>41</sup> and reflecting the independence within the federal structure of state bodies polity.

In the Northern Territory, Facebook is also used effectively, alongside the official website, to highlight certain aspects of the Administrator's official programme.

Although the frequency of posting on these accounts may vary, they all appear to be guided by similar objectives: to promote transparency and to encourage greater understanding of vice-regal duties, including as they relate to parliament.

The Office of the Governor-General explained the objectives of the Governor-General's Facebook page in its most recent annual report:

The Facebook page provides the Office with an increased capacity to communicate with more Australians about the work of the Governor-General. The official website continued to be the Office's primary form of communicating with the public online and was regularly updated with content highlighting the Governor-General's community engagement.<sup>42</sup>

In Queensland, the Governor has likewise commented publicly that the use of social media:

is not merely a vanity exercise – although I can report it has propelled Vice-Regal German Shepherd Gavel to world-wide fame! Facebook, Instagram, Twitter effectively convey the vibrancy of the vice-regal programme. Their use is also consistent with the Office's contemporary mission and, importantly, promotes transparency. It has also enabled me to more clearly communicate the Governor's central constitutional duties.<sup>43</sup>

There has been once instance where an Australian vice-regal representative has taken directly to Twitter to help explain the workings of the constitution following a close election. That occurred in February 2015, following the Queensland state election held on 31 January 2015.

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<sup>37</sup> His Excellency General the Honourable David Hurley AC DSC (Retd).

<sup>38</sup> *Australian Constitution*, s 68.

<sup>39</sup> Victoria, Queensland and New South Wales.

<sup>40</sup> *Australian Constitution*, s 7.

<sup>41</sup> Gerard Carney, *The Constitutional Systems of the Australian States and Territories* (Cambridge University Press, 2006) 2.

<sup>42</sup> Commonwealth of Australia, Office of the Official Secretary to the Governor-General, *Office of the Official Secretary to the Governor-General—Annual Report 2017–18*, 33.

<sup>43</sup> de Jersey, n (35).

It took nearly two weeks for all 89 seats of the parliament<sup>44</sup> to be declared by the Electoral Commission of Queensland.

On 5 February 2019, the Governor received the incumbent Premier<sup>45</sup> at Government House. At this stage, it was apparent that the Premier had lost his seat in parliament. The final arithmetic of the lower house, however, had not been settled.

The Governor received the Premier again on 10 February 2015, where the Premier tendered his resignation as 'chief minister' pending the appointment of a successor premier. It was still unclear at this stage which political party could demonstrate confidence on the floor of the assembly. At 11.54am that day, after the Premier had visited Government House and had issued a press statement, the Governor sent two Tweets:



**Governor of Queensland** ✓

@QldGovernor



1/2 Premier Newman [@theqldpremier](#) this morning tendered to me his resignation with effect from appointment of new Premier.

11:54 AM · Feb 10, 2015 · [Twitter Web Client](#)

View Tweet activity



**Governor of Queensland** ✓

@QldGovernor



2/2 I will commission new Premier following [#qldvotes](#) polls declaration. PdeJ

11:55 AM · Feb 10, 2015 · [Twitter Web Client](#)

View Tweet activity

**123** Retweets   **32** Likes

The Governor also received the then Opposition Leader<sup>46</sup> at Government House on 10 February 2015.

On Friday that week, 13 February 2015, the Electoral Commission of Queensland declared the results of all 89 seats: 44 to the Australian Labor Party (ALP); 42 to the Liberal National

<sup>44</sup> There are now 93 seats in the Queensland Legislative Assembly.

<sup>45</sup> The Honourable Campbell Newman, with the then Attorney-General and Solicitor-General.

<sup>46</sup> Now Queensland Premier, the Honourable Anastacia Palaszczuk MP.



Party (LNP); two to the Katter's Australian Party; and one Independent. On 5 February 2015, the Independent member, Peter Wellington, had issued a public statement pledging support for the ALP on confidence and supply matters.

That afternoon (13 February 2015) the Governor received at Government: firstly Lawrence Springborg, who had by then been elected as parliamentary leader of the LNP after the Premier's resignation; followed by the Opposition Leader, whom the Governor invited to form government:



**Governor of Queensland** 

@QldGovernor



This afternoon I received [@AnnastaciaMP](#) and invited her to form government. PdeJ



4:46 PM · Feb 13, 2015 · iOS

 View Tweet activity

A Tweet was sent from the @QldGovernor account for each of these calls, mirroring the 'Vice-Regal News' published on the Government House website. On two occasions, the Governor used the relevant Tweet for the official engagement (the Tweet of 10 February (in two parts), and the Tweet of 13 February (reproduced above)) to issue what amounted to short public statements explaining the workings of the constitution. These Tweets were signed 'PdeJ', signifying they were sent directly by the Governor.

This use of social media in this way was illuminating for several reasons.

Firstly, in that moment when the Tweets were sent on 10 February, the bare essentials of constitutional government as it operates in Australia were revealed: the Crown's representative cannot be left without a chief adviser through whom responsible advice is channelled; consistently with this principle, although he had lost his seat, the Premier's resignation was only to become effective upon the appointment of a successor.

There is an attendant question, in the Queensland context, about how long a minister can retain their position without a seat in parliament. There is no express requirement in Queensland for ministers to be drawn from the legislative assembly.<sup>47</sup> This situation does not arise, for example, under the *Australian Constitution* which sets a three month time limit for a minister to be without a seat in either house of the federal parliament.<sup>48</sup>

Secondly, in the words of the Governor, the use of Twitter in this way "was, as it transpired, a most effective method of keeping the media and wide public updated on my decision-making".<sup>49</sup>

The use of social media, therefore, enabled the instant and effective communication of the workings of the constitution at a time of understandably heightened media scrutiny.

Finally, it demonstrates how vice-regal representatives, and their offices, are using social media to replace functions once performed by aspects of the media now disrupted.

## Conclusion

The journey of vice-regal communications in Australia from Fleet Street to official Tweet is a story of navigating disruption.

Initially, the disruptive forces of the English media compelled the Sovereign in 1803 to appoint the 'Court Newsman' as a fountain of truth.

This practice spilled over into the nascent colonies on the Australian continent, with 'vice-regal notices' being a feature of many printed publications since. Aside from providing an accurate account of official vice-regal programmes, these notices have advanced transparency and illuminated the workings of the constitution.

The disruptive forces of the changing media landscape during the first two decades of the twenty-first century have necessitated a rethink in how official vice-regal programmes are communicated.

Vice-regal offices in Australia have responded accordingly, firstly through websites and, over the past five years especially, through social media.

It is interesting that, in this world where social media is often thought of as a disruptive force, it can be used to provide clarity and a source of truth. This is certainly the case in Queensland, where the Governor's Twitter account is an official record of vice-regal proceedings.

Therefore, while the content – the message – delivered by the 'Court Newsman' and vice-regal representatives' Tweepers-in-chief may be largely the same, it is the *medium* which is revealing.

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<sup>47</sup> Although there is an implication contained in section 23 of the *Queensland Constitution* to this effect.

<sup>48</sup> *Australian Constitution*, s 64.

<sup>49</sup> de Jersey, n (13).

What do we glean from social media use by vice-regal representatives? The mediums they use match their contemporary missions, advance transparency and facilitate a greater understanding of their core functions so central to Australia's parliaments.