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Whither the federal fourth estate?

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Introduction

The Federal Parliamentary Press Gallery is tasked with the quasi-institutional watchdog role of the "fourth estate". However, documentary and interview evidence gathered during the prime ministership of John Howard (Ester, H. 2007. "The Media" in Hamilton, C and Maddison, S. *Silencing Dissent*. Allen& Unwin) showed a number of extreme media management strategies stretched executive media relations close to breaking point. The data painted 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 described 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.

Lessons from the Howard years

This low point in the history of the federal fourth estate tended to be seen as yet another example of heavy-handed neo-liberalism. However, a closer examination of past and present media management strategies revealed 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 major intensification in long-standing practices that have their origin in the unique way political journalism evolved in the federal Parliament and date back to the Parliament's establishment in the national capital in 1927.

In today's political climate this represents both a challenge and an opportunity for the fourth estate and the Parliament to re-think and re-mediate executive-media relations.

Background

Fault lines began to appear soon after the move to the purpose-built national capital where the Australian Parliament compromised Westminster convention to allow both the executive and the media to set up offices within its realm. Unlike the early arrangements in Melbourne and any other Parliament in comparable political systems anywhere else, the Australian Parliament's constitutional sovereignty is not underpinned with physical separation

The late Clem Lloyd's seminal work *Parliament and the Press* (1988) shows how this Australian version of the Westminster franchise skewed executive-media relations and

came to define federal political journalism. His work shows the laissez-faire attitude to parliamentary space was accompanied by ill-defined terms of engagement in executive-media relations that in turn led to an accumulation of arbitrary or “ramshackle rules” (Lloyd, C. J. 1988. *Parliament and the press*. Melbourne University Press).

Overall the terms of engagement crafted in Canberra:

- Created a political news staffing structure that resources reporting of the executive at the expense of Parliament. 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-tier structure determined, not by media employers, but by the government executive - an ad hoc but effective manipulative technique coined the “drip feed” by former Labor Prime Minister, Paul Keating.
- Fostered a culture of “leak dependent” journalism that is in itself vulnerable to manipulation exacerbated by weak or ineffectual Freedom of Information (FOI) laws and an absence of shield laws for journalists whose work is characterised by content clearly in the public interest.

The effect of such arbitrary arrangements was apparent from very early on, for instance within four years the establishment of the “Canberra model”:

The Labor government of Prime Minister James Scullin banned Joe Alexander from the Melbourne *Herald* 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.

Apparent again, when Prime Minister John Curtin’s government (1941-45) banned Gallery journalist Richard Hughes’ from his workplace for several weeks for an article headlined “Those meddlesome 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 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 also consistently apparent and starkly reflected in the Canberra 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 cases cited above.

Thus it was a tellingly unusual act of solidarity during the Howard years, when in 2002 nine federal Gallery journalists joined in a protest the 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). In a strongly worded **collective submission** to the Senate Committee of inquiry into “A Certain Maritime Incident” (“children overboard affair”), they accused the Howard executive of a sustained “campaign of censorship and misinformation” ... “orchestrated at the highest levels of government”.

A year later, a second strident protest was lodged outlining several extraordinary events during the visit of US President George W. Bush in October 2003. Their submission is contained in the **final report** (PDF 612KB) of a Privileges Committee inquiry into issues raised by the President's visit. Although this was not an official state visit, and the President a guest of the Prime Minister, the Parliament was especially convened for a joint-sitting and Presidential address. Gallery committee president and secretary, Malcolm Farr and James Grubel claimed the Canberra fourth estate was treated with disdain as part of a "craven capitulation of [parliamentary] sovereignty to the visiting US media". Problems raised by the Gallery included 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 *Auspice* bureau;
- there was a ban on distributing photographs taken during president Bush's meeting with then Opposition Leader Simon Crean.

Furthermore, by the final year of the Howard government the Gallery's disillusion and discontent had spread beyond the Canberra to the commercial media oligopoly, public sector media and the journalists' union (the Media Entertainment and Arts Alliance) who joined forces to form an historic coalition and independently-fund the first wide-ranging "Audit of the State of Free Speech in Australia", **chaired by Irene Moss**.

Systemic remediation

Remediation would require the Parliament and the media industry alike to consider:

- • How to negotiate greater transparency and certainty in the tripartite relationship between the government executive, the Parliament and the fourth estate, through a formal agreement or concordat based on recognition of the quasi-institutional role of the Gallery - first raised in the early 1950s (cited in Lloyd 1988 pp.180-181).
- A re-examination of arguments for relocating Gallery bureaus outside Parliament House to improve the fourth estate's credibility and independence - and alleviate the executive's capacity for favouritism.

Media employers could also follow through on their overt concerns about political manipulation. A minority government, or the so-called new paradigm, presents a unique opportunity to effectively assert their right to allocate and increase resources to ensure an even coverage of both the executive and the Parliament.

The argument in favour of the re-locating of Press Gallery bureaus to outside the parliamentary building could also be re-visited. First raised by Keith Murdoch in 1960s and since canvassed from time to time by journalists and employers alike. But the executive's continuing presence inside the Parliament often de-rails the argument. Such consultations challenge the Parliament to take on the issue of re-locating executive offices outside its realm. Political historian Clement Macintyre in a 2008 "Senate Occasional lecture" speculated:

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.

Remediation and new media

Today's multi-faceted media environment means resolution of these systemic problems are 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 the specialist political news-round, 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-hour coverage of the proceedings of Parliament through a system such as the C-Span service in the USA. This public affairs TV network covers both the Congress and the Senate, Committees, media conferences, speeches. Surveys show 30 per cent of households watch occasionally and 10 per cent regularly, several times a week - altogether reaching around 23 million people, including a significant proportion of young viewers, albeit on an *ad hoc* basis. More than 60 per cent believe it "enhanced the reputation of congress". It is clearly worthy of wide concern as a means for generating greater public access and interest in the processes of democracy (Schultz, J. 2002. Two cultures: Parliament and the media. In: *Senate Occasional Lecture Series*. 15 February. Commonwealth Parliament, Canberra).

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