

Reporting the Senate: Three Perspectives

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Paul Bongiorno

The 31st of May 1990 was a historic day for the media and for the Senate. That was the day that a Liberal backbencher, Amanda Vanstone, managed to convince her own party and party leadership that now was the time to have the proceedings of the Senate televised. I am reliably informed that she was aided and abetted by the officers of the Senate who pointed out that \$50 million had been spent on wiring the magnificent new building for television, and it seemed that the politicians or, more to the point, the government of the day, were extremely reluctant to use it.

I have no doubt that this historic day owed everything to the fact that proportional representation (PR) had succeeded in delivering real power to the non-government parties in the Senate. To my mind, it was a major advance in transparency and accountability. More to the point, it met a demand for news of the Senate. As 70 per cent of Australians tell pollsters that they use television news as their primary and almost exclusive source of information, to block this medium from covering the Senate in the way that it does best—with pictures and words—was a strange anomaly in the latter part of the 20th century.

Robert Ray, the Leader of Government Business in the Senate at the time, accused Vanstone and the Opposition of trying to shanghai the decision, and the government opposed the suspension of standing orders so that the motion could be debated. In her speech to the Senate that day, Vanstone pointed out that precedents had been set. For example, the United States House of Representatives allowed television in 1979, the US Senate followed in 1986, the House of Lords in the United Kingdom in 1985, and the House of Commons in 1988. Canada started to think about it fairly seriously in 1977, but took 10 years to implement it.

The interesting thing is that television became a mass medium in the late forties. It came to Australia in 1956, and to Canberra in the 1960s. Yet here we were in 1990—not only us but the United Kingdom and the United States—very reluctant to allow this medium to come into our parliament. (Just as an aside, the Soviet Union had no such problems. The Kremlin had allowed for a number of years their debates to be televised.)

Why was there this resistance? Vanstone told the Senate that the government knew that:

... if the Senate does this, there is a full expectation that the House of Representatives will follow—as it should. That is where the rub comes ... It is well known that Government members do not want the behaviour of their ministers in the lower House televised live nationally at Question Time.

As former Senator Bruce Childs has said, Labor was very concerned about Paul Keating's verbal pyrotechnics being broadcast into people's lounge rooms. Before the 1990 election, Senator Childs was a member of the Joint Broadcasting Committee, which consists of the presiding officers and people from both houses. That committee had met over a period of time and finally made a unanimous decision to televise parliament. That decision was conveyed to the leadership of both parties.

The Labor government of the time was very concerned about it. They were worried that Paul Keating would be provoked during question time and that would go out into the lounge rooms of Australia. Therefore, there was great consternation among the government leadership as to what it should do about this unanimous decision of the committee that would be reported.

While the government was agonising over what it should do, Andrew Peacock, the leader of the Liberal Party, was consulted and, fortunately for us, he decided that it was a Labor plot and opposed it. The significance of this was that it was just before an election. So we were able to sit back and go into that election without the threat of the televising of parliament.¹

As an example of the kind of damage that was avoided, we could take the incident when Wilson Tuckey provoked Keating into outrageous pyrotechnics in February 1986, when, during a heated debate in the old house, he accused Keating of breaking a promise. It was a breach of promise case, and Keating's jilted fiancée was a woman called Christine. Keating became so incensed that he said, among other things, 'You stupid foul-mouthed grub. You piece of criminal garbage.' The uproar that followed received considerable coverage in the media. In those days, television could only show a still picture of Keating and play the audio of what he was saying. Even this was enough for questions to be raised about Keating's ability to hold high office in a robust democracy. Consequently Keating was desperate, and based on personal

¹ Bruce Childs, contribution from the floor during the media session of the Representation and Institutional Change Conference, 6 August 1999.

conversations with him at the time, I would say anxious, to keep television away when parliament moved up the hill.

Bob Hawke, on the other hand, was a sort of preening prime minister, and he had no objections at all to television. He thought it should be allowed, so that people could see how wonderful he really was. The hard heads in the party thought—and knew—better.

The 'Christine' incident survived throughout the time Keating was in parliament. In 1990, Tuckey again provoked Keating simply by yelling out the name 'Christine'. This led Keating to accuse Tuckey of being 'a dog returning to his vomit', and accuse John Howard and the Liberals of being 'sleazebags' and 'scumbags'. He later defended his language along the lines that, while he was all for very robust political debate, Tuckey, who, in Keating's view, was aided and abetted by Howard, had hit well and truly below the belt, was in the gutter and deserved all he received.

This example explains some of the resistance to the introduction of television in the Senate. Interestingly, the majority in the Senate at the time was made up of Democrat and Coalition senators. When the government saw that the numbers were against it, it dropped its opposition; there was no division, and the motion was passed.

Another point worthy of note is that Vanstone had a very big battle with her own party about the matter. Several senators in the Liberal Party room were opposed to the idea of allowing television into the chamber, and her move nearly failed. At one stage, it appeared that some of the senior Liberals who were opposed to it had convinced Liberal leader John Hewson to stop Vanstone. But she persuaded Robert Hill, her leader in the Senate, that now was the time to make the move because Keating, as Treasurer, was attending an OECD meeting in Paris. Had he been in Canberra, he might have brought more pressure to bear on his party.

What the Senate approved

According to the conditions set down and accepted in a resolution of the Senate of 31 May 1990:

2. *Recordings and broadcasts may be made only from channel 2 on the house monitoring system.*

So a filter was put in place, and the television networks could access only the pictures made available on channel 2, which are the edited pictures. This does not mean that the content is edited, such as what senators are saying, but that the picture is edited. Strict instructions were given to the Sound and Vision Office as to what pictures were to be allowed.

3. *Broadcasts of excerpts shall be used only for the purposes of fair and accurate reports of proceedings, and shall not be used for:*
 - (a) *political party advertising or election campaigns;*
 - (b) *satire and ridicule; or*
 - (c) *commercial sponsorship or commercial advertising.*

4. *Reports of proceedings shall be such as to provide a balanced presentation of differing views.*
5. *Excerpts of proceedings which are subsequently withdrawn may be broadcast only if the withdrawal is also reported.*
6. *Debate on a motion for the adjournment of the Senate shall not be broadcast.*²

The last condition, which lasted for three years, was unfortunate because many interesting political things are said in the adjournment debate. Television was not to be privy to that, but radio and newspapers were. Television journalists had to act as newspaper or radio reporters to cover this material.

While there was extreme resistance in the House of Representatives, the writing was on the wall. The House followed within a matter of months, although with much more restrictive guidelines, the most restrictive of which was that in the House of Representatives, unlike in the Senate, points of order were not to be broadcast. One reason for this was that Keating, particularly, had realised that points of order were one device that oppositions could use to bump ministers off answers or to correct perceptions that ministers might or might not be trying to shape—'misconceptions' one might say on some occasions.

Television, PR and the Senate

The Senate became more comfortable with the concept of televising. In fact, it led the way in dropping the ban on the broadcasting of the adjournment debate and on the telecasting of excerpts from television. Vanstone's motion was principally to allow the ABC to put question time on air in its entirety. It also allowed—and this was of great interest to the other networks and to ABC TV news—excerpts to appear in news reports.

The motion also allowed broadcast of Senate committees. However, the Senate did leave it to committee chairs and to the committees themselves to vote on each occasion on whether or not they would allow television. The Senate ruled that only public committee hearings could be telecast. The House of Representatives later picked up these guidelines for its committees.

Proportional representation in the Senate enabled it to lead the way on televised proceedings. The House of Representatives had a more difficult time. Steve Martin, when he became Speaker of the House, came under heavy pressure from the gallery committee and the television networks. He decided to set up another inquiry: he got a committee of the House of Representatives to look into the televising question, and asked for submissions.³ In July 1993, the submission from Network Ten submitted that:

² Senate Journal, 31 May 1990, p. 193.

³ House of Representatives Standing Committee on the Televising of the House of Representatives, *To See or not to See, This is the Answer: Review of Arrangements for the Televising of the House of Representatives*, Canberra, AGPS, 1993

... there should be no restriction on the professional TV news reporting of the House of Representatives and its committees. In the event of the House of Representatives continuing to take a different view, we urge the House to bring its TV conditions into harmony with the Senate.

The Senate set the precedent in 1990, and it put enormous political and moral pressure on the House of Representatives.

An interesting postscript to this is that when Martin took the submissions from the television networks and others and brought the guidelines of the House of Representatives into line with those of the Senate, Prime Minister Keating was so furious that he called the Leader of the House, Kim Beazley, into his office and said, 'This has got to be overturned now.' However, the government could only do this by way of a motion on the floor of the House. It was absolutely transparent that Keating and the government did not want the guidelines, and it was overturned on the floor of the House.

Why was there so much difficulty in letting television and the media into the proceedings of the Senate in our multimedia democracy? One explanation may come from the treatment of one group of the Fourth Estate that to this day feels particularly aggrieved: the still photographers. They have quite strict conditions imposed on them. While the television networks cannot put their own cameras into either chamber, and have to take the edited feed of both houses from channel 2, in many ways this suits the networks because they do not have to have three or four cameras available all day. They can just plug in and take the pictures they want. There are times, of course, when the networks would like their own cameras in there. Press photographers, on the other hand, have been confined to taking still frames off the television pictures. On the occasions that they are allowed into the chambers, it is under strict conditions: only four at a time, and only at question time. Special permission is needed at any other time. The explanation for this comes from a letter Madam President Margaret Reid wrote to Michael Bowers, chief photographer of the Fairfax Canberra bureau, when the gallery committee was fighting for access on behalf of the stills photographers.

In the letter, dated 28 June 1999, Reid explained the Senate's rather restrictive view in this way:

Over recent years a distinction has been made between the television coverage of chamber proceedings and still photography because of the perceived intrusiveness of the still photographers, especially when they focus large zoom lenses on senators, compared with the unobtrusiveness of the SAVO filming [that is, the coverage that the TV networks get through the Sound and Vision Office].

Many senators have indicated that these large lenses directed at them are intimidating and believe the Senator with the call should be the sole focus of any stills photographer ... still photographers with telephoto lenses can be both intrusive and intimidating.

Michelle Grattan

Reporting the Senate has become one of the most fascinating aspects of covering politics, and it involves some special features and challenges. However, before looking in detail at the Senate, I want to canvass briefly the reporting of the other main institutions of parliament, the executive and the House of Representatives, because the contrasts are interesting. Covering the executive inevitably confronts the journalist with a paradox. There is both an absolute abundance of information and a paucity of it. A great paper deluge floods the press gallery boxes—press releases, faxes and the like—and now there is also the Internet. There is simply too much information to transfer to the public. Not all of this comes from the executive, but a large amount does, reflecting the frenetic pace of decision making by modern governments.

In contrast to the ease of access to this mass of information, however, is the difficulty the political reporter has with the barriers to burrowing in to the Cabinet and to the bureaucracy. How often do you read a report of a rattling good brawl in the Cabinet? Not often, and probably not nearly as often as they actually occur in the Cabinet room in various governments. Details of some battles within the government or the bureaucracy, and—as we have seen in the current Barratt case—between political masters and their public servants, do get out, but a lot is successfully hushed up or simply not obvious enough for the media to pick up. This is often the media's fault, but points to some of the difficulties of reporting.

The problems and challenges in reporting the House of Representatives are different again. While it is easy to romanticise the past, there *is* less news in House debates than there once was. It is difficult to know, however, what came first: the newspapers running less of what the ordinary MPs say, or the MPs saying less of real interest in their speeches, knowing that they were not going to get much publicity. It is a long time, for example, since newspapers ran parliamentary pages, which used to be quite routine in the 1970s.

Unlike some, I do not write off the modern question time. It is true that Dorothy Dixers have gone completely over the top, taking over the government side of question time and often making the questioners look imbecilic. But, when a minister or a government is in trouble, question time and the parliament more generally can be a riveting forum—just look at the example of Warren Entsch, and he is not even a minister. On such occasions, the politicians are in the dock and the media are among the jury—not the only members of the jury, however; party colleagues are on that jury as are members of the public watching television, reading newspapers or listening to the radio. To change the metaphor: when trouble is afoot, the parliament is the stage and the lights are hot on the actors. That applies to both the House and the Senate.

Reporting in the Senate

Journalists covering the Senate find that they need to pay much more attention to the minor players. The Senate has its own specific brand of unpredictable politics; it is often politics of a different style, and not the style that governments like. Hence, the

attacks on the Senate as ‘unrepresentative swill’ and the dark talk from time to time of the need to clip its wings, even if nobody has a mechanism in any practical sense for doing that. But a powerful Senate in which control is not in a government’s hands is obviously one of the media’s favourite places. There is a real synergy—and not for any virtuous reason, simply the knowledge that such a place will generate plenty of cracking good stories.

On key legislation, the large amount of horse-trading and compromise that can occur means that reporters have to follow events with an eye to detail and for sudden changes that the more predictable House politics outside question time do not require. Often they can never be quite sure what will happen. One notable example of this was the day during discussion of the Wik legislation when Tasmanian Independent Senator Brian Harradine had one view on various matters before lunch and quite another in the afternoon. At least he did it within reasonable hours. When the unpredictable happens on deadline, it is heart stopping.

Discussion of the Senate inevitably raises the issue of mandates, which is a difficult topic because there are elements of merit in the conflicting arguments put with great passion by the advocates from the various camps. Probably those who hold the Senate balance of power recognise that the public, too, has an ambivalence about mandates. For this reason, they tend to avoid what we might call ‘full denial politics’ because that would eventually bring public pressure for changing the Senate in a way that curbed its powers, however much that might look impossible in theoretical terms. Recognition of this was one factor—only one, and maybe a subconscious one—driving the Democrats’ tax deal.

The power of the Senate combined with its voting system changes the balance of power and equality more generally among the political players in the federal system. Democrat Leader Meg Lees or, before her, Harradine and Independent Senator Mal Colston can on occasions be as powerful as a prime minister. Leaving aside whether this is a virtue or a fault of the system, it exposes the political process to more public scrutiny, and that is undoubtedly a good thing. While not wanting to over-emphasise this point, I think the minor players seem to have a naturally more open approach to their politics; they are more ready to say what they are doing. Just one recent example: Lees was willing to talk on the record about her discussion with Prime Minister John Howard on whether the preamble should, or could, be revived; Howard, when pressed on the meeting, refused to say anything at all. The minor players are accustomed to relying on publicity as part of their limited political tool box. Open government is actually something that governments almost never really believe in. This is not to say that minor party and independent senators who hold the balance of power are more virtuous or more public spirited than other senators, but just that they have different interests. This same point applies to being more open. Put Howard in charge of the Democrats and he would be much more chatty, while Lees as prime minister would certainly be more clam-like.

Keeping the media’s attention

The uncertainty of Senate politics can inject a high degree of drama into the political process. This has the advantage of being an antidote to political journalists and their reporting becoming jaded, which is one of the high risks of Canberra journalism.

Those in the media involved in covering the government-Democrat tax negotiations or the Wik debate or, a few years ago, the Mabo debate could not be untouched by the sense of excitement that pervaded all these big political stories. These issues had all the elements of a good mystery story, but it was not possible to peek ahead and cheat by looking at the last page of the book; one could only guess at how it would all end. In many cases, the story see-sawed throughout the negotiations or debates so that it was never quite possible to know where it would end.

A danger here is that the journalist can get too addicted to process and drama and pay less attention to whether or not the policy coming out of this give-and-take process is good. Equally, however, following the to-ing and fro-ing can force the journalist to report policy in more detail and with more depth than when policy is simply announced in press statements, press conferences and so on, and implemented without any prolonged battle. The uncertainty of Senate politics also meant that during the recent debate over the tax legislation, journalists paid greater attention to speeches in the Senate chamber than in the House of Representatives.

Despite all this, however, Senate question time is under-observed by the media because it is seen on each day as the also-ran political performance. The senior journalists mostly go to the House, with those covering the Senate question time often being conscripts to that chamber rather than choosing to be there. Where it is possible, it is desirable for the bigger bureaux—and this is perhaps more possible with newspapers than the electronic media—to have people who specialise in the Senate and to encourage some of their journalists to regard the Senate as a round, just as you might regard health, education, Aboriginal affairs or whatever as specialist rounds.

The media's task is, and should be, to penetrate the dark corners of politics where (some) politicians do not want people to go. However, one characteristic of politicians that journalists find useful is that while they try to conceal the dirty linen on their own side, they have a very great interest in revealing that of their opponents. By definition, governments have more dirty linen, or at least linen of more importance that is likely to be dirty. And, with governments now perpetually in a minority in the Senate, the committee system is a good way of bringing it into the open. From a media point of view, it is hard to keep up with the information generated by the committees. The dirty linen will be grabbed for obvious reasons, but a lot of other useful data can be overlooked because there is not time or energy to attend to it. Finding a way to overcome this problem and tap into that information more effectively is difficult and, so far, no journalist has found a solution.

One final point about reporting the upper house; the Senate has recently contributed significantly to the cult of personality. In the last couple of years, Senate power, and the accompanying media attention, turned both Harradine and Colston into larger than life household names. The Senate is also more congenial to individualists on the backbench, even when they are not in a balance-of-power situation. The same happens with bureaucrats. What House of Representatives' clerk gets as many media calls, speaking requests or column inches as Clerk of the Senate Harry Evans? It could be said that all of this is traceable back to proportional representation.

*Melissa Langerman**

In nearly ten years of covering the Senate, I've found that reporting on it is essentially like reporting on the habits of an unpredictable political platypus. A uniquely Australian compromise between the powers of the British and American upper houses, it has rarely fulfilled its role as a states' house. And the constitutionally unstated role it has seized, as a house of review, has never satisfied either the party in power or the party in opposition.

Before the introduction of proportional representation (PR), when the government was more likely to obtain a majority, the Senate was damned as a rubber stamp. Since then, whenever the government has not held control, the Senate has been damned as obstructionist, vicious, and, in the words of former Prime Minister Paul Keating, as 'unrepresentative swill'.

Proportional representation has meant that you can never be entirely sure of a Senate outcome. Perhaps the only certainty for political parties, particularly in recent years, has been that whatever procedures they introduce as a stumbling block for the government while they are in opposition, almost certainly become a stumbling block for themselves in government.

The on-going political argument about the Senate's 'proper' role makes it the most frustrating and most fascinating house to cover. But this argument, evidenced most recently in the Coalition's mandate mantra, has a tendency to grab media headlines and overshadow the role the Senate performs as a check and balance on the executive and as a fixer-upper of government bills.

Because Australian Associated Press actually sits in the chamber, one tends to be more aware than the rest of the gallery of the use governments make of Senate processes to plaster over faults in legislation rushed through the lower chamber, through the use of 'technical amendments'. These seldom get widespread media coverage and are usually overshadowed by more controversial changes negotiated or forced on the government during the committee stage.

The widely reported vitriol levelled at the Senate and its debates on controversial issues also often ignores the work of Senate committees that examine, and make recommendations on, crucial issues facing all Australians, from family law to agriculture. It downplays the fact that there is often cross-party support for recommendations, even when these are not accepted by government.

The tactic of blaming the Senate and proportional representation for giving Australia 'unstable and uncertain' government has suited both Labor and the Coalition in recent years. Certainly PR has meant that governments have only held majorities a handful of times since it was introduced, but a government was never entirely certain of a

* This paper represents the author's own views rather than those held by Australian Associated Press.

majority before PR either. My argument is that PR, by introducing minor parties and independents, at least gives a government some chance of compromise in getting its legislation through, instead of facing an entirely hostile Opposition. For example, the composition of the Senate under PR could explain why two Native Title bills, the Workplace Relations Bill, the Telstra Sale bills and the tax and environment legislation packages passed the Senate despite hostile resistance from the major Opposition party.

But while PR has had benefits in this respect, it has not made the job of reporting the Senate any easier because of its effect on the balance of power. When I began reporting on the Senate in 1990, the hours were a lot more onerous, with midnight sessions and early morning estimates committees, and getting only a few hours sleep was not uncommon. However, because the Australian Democrats then held the balance of power, with occasional input from the other minor parties if the Democrats split on a vote, it was easier to patrol the likely outcome of amendments, legislation, and procedural debates. In contrast, the last few years have been somewhat of a nightmare—the views of Democrats, Greens, independents and Labor senators have been required on all but uncontroversial issues, and often the final result has remained unknown until the third reading of legislation.

For a reporter like myself, without a legal background, the immediate reporting required by a wire service of vast arrays of amendments in difficult and controversial bills is made even more difficult by the fact that they are often rushed through at the end of sessions under guillotine. Sometimes senators themselves have appeared bewildered by what changes have passed, and there have been several instances recently where amendments have had to be re-submitted because of confusion. Again, successive governments have embarked on a media strategy of blaming the workings of opposition Senate parties for the last mad dash of several pieces of controversial legislation, often successfully burying the fact that their own management of the introduction and passage of legislation through the chamber was at least partly at fault.

Such a strategy of blaming the Senate often overshadows the fact that a guillotined debate allows little, or sometimes no, consideration of amendments put forward by opposition parties to which the government is opposed. The constrictions of media space and time to report passage and reaction to controversial bills often means that protestations within the Senate chamber about these procedural issues are simply ignored.

Overuse of other forms of Senate protest, such as urgency and censure motions, has also downgraded the coverage they are likely to get in the media. And reporting on Senate wins by opposition parties, such as when they obtain government documents under returns to order requirements, is not made easier by the fact that the documentation is often tabled late at night and that spare copies are often not immediately available to reporters. By the time the information is available, sometimes days later, the focus of media attention may well have moved on.

In theory, changes to the Senate since 1994 to establish opposition-dominated references committees as well as government-dominated legislative committees should have provided opposition parties with a way to ensure greater media scrutiny

of government actions. But the sheer volume of reporting work these committees produce, combined with the daily task of covering both houses of parliament, can mean that committee reports get little major media coverage unless they focus on bills immediately before parliament. About the only time good coverage is guaranteed is when someone ignores Senate procedures and leaks information to the media in advance, although even this tactic does not ensure full coverage of a committee report at a later date. Delayed government responses to committee reports—sometimes a response comes months or a year after a report is tabled—also has the effect of dulling media awareness.

When I started reporting the Senate, covering estimates committees was an onerous task to say the least, with some committees sitting up to 20 hours at a stretch. Shorter sitting hours have made the task of remaining alert through hours of scrutiny a lot easier, but having to provide coverage of four simultaneous estimates committees can often strain reporting logistics because of the need to cover other parliamentary developments at the same time. Further reporting stress is caused by estimates committees now holding at least four hearings a year, compared to the two when I started, and budget cutbacks have meant that Hansard reports are now only available sometimes days after committees have sat.

One of the key issues of parliamentary reporting in the future will be the effect of information technology. Theoretically, the Internet and other developments in the rapid electronic transfer of information and images should mean quicker public access to the workings of the Senate. But the real question is whether Australians, who often appear bemused by Senate processes and elections at the best of times, will be satisfied merely with a lot more factual information.

I am enough of a Luddite to believe that increased public access through information technology to Senate workings will make the media's interpretative, analytical and reporting role even more difficult—but even more necessary—as the public demands to know what the volumes of information produced by parliament actually mean.

To me, the crucial issue for the Senate, as Australia prepares to celebrate its first 100 years of Federation, is to end this century's bickering over the upper house's role by getting multi-party support for a clear statement of its functions, a statement that would probably require constitutional change to be effective. I admit that getting such support may not be easy, with minor and major parties all having their own interests to protect. But at least it would enable reporters to concentrate on what the Senate does, rather than the political argument of what it should be doing.