

# THE PACKER-LABOR ALLIANCE, 1978-95: RIP

One of the strangest alliances in Australian politics – one in which shared interests triumphed decisively over conflicting ideologies – seems to have ended. For seventeen years, a relationship flourished between Kerry Packer, one of Australia's most powerful, controversial and politically conservative media barons, and the most influential sections of the Labor Party. It began in 1978 with quickly growing, quiet co-operation between Packer and the Wran Government in New South Wales, and ended in 1995 with a spectacular public conflict between Packer and Prime Minister Paul Keating. It is a relationship particularly revealing about the nature of contemporary Australian politics, and media power.

## THE LONG ENMITY

In the 1990s it is easy to forget how constant and all-pervasive the anti-Labor views of the major press proprietors once were. In a close competition, however, the most vociferously, unrelentingly anti-Labor proprietors were the Packer Family.

From their very beginnings under Kerry's grandfather, R C Packer, they were virulently anti-Labor. Characteristically this was expressed with a minimum of argument and a maximum of vitriol. Their tirades often bore little relation to anything resembling normal reporting:

In the run-up to the federal election of December 1931 and three months after Packer took control of the paper, the *Daily Telegraph* splashed a large photograph on its front page showing 'Lenin's Communists machine-gunning the citizens of St Petersburg at the outbreak of the Russian revolution' (fourteen years earlier). A memorable caption informed readers that '20,000 men, women and children were

shot down in two days by Lenin's Communists. There are just 18,746 people in Mr Lang's electorate'. (Barry 1993, 13)

Frank Packer, who inherited his father's embryonic media empire in the mid-1930s, also inherited his political views. According to a loyal lieutenant, quoted in the authorised biography:

[Frank Packer] lays down a policy for the paper that we are, day in day out, a conservative paper, that we are supporters of conservative policies. We know this and, as Lord Beaverbrook said many years ago, 'a paper is in business to make propaganda' and that is the make-up of our paper. (David McNicoll, in Whittington 1971, 209)

'Supporters of conservative policies' is too limp a phrase to capture its more outrageous views. Its most infamous editorial proclaimed:

In the last three days Negroes have caused hundreds of millions of dollars worth of damage in Detroit and other American cities ... Yet in all this black lawlessness the death roll is about thirty ... If sharks took fourteen or fifteen people every summer weekend on each of Sydney's beaches there would soon be no surfing. If every time Negro revolutionaries decided to burn and kill, those maintaining the law killed 500 Negroes, the Negroes might decide to stop burning and killing. Surely the time has come for the American nation to take the kid gloves off and deal drastically with this lawless minority. (DT 27 July 1967; McQueen 1977, 86)

The only Labor beneficiaries from the Packer press during this period were members of Labor's left wing, when Packer went too far in his vitriol and defamed them. In 1964, a court awarded Tom Uren a total of

£30,000 over three articles which had appeared in Packer publications, then 'the highest amount ever awarded for a defamation case in Australian legal history' (Uren 1994, 140). One of the articles suggested that Uren's questions in parliament were at the behest of the Soviet embassy. Similarly in February 1966, during a Labor leadership struggle, the *Daily Telegraph* editorialised:

The left wing, headed by Dr Cairns, could, if it reached a position of power, deliver Australia on a platter to Communist China ... If this left-wing cohort had its way, Australia, as freedom-loving people know it, would cease to exist in a decade.

Cairns received a very substantial out-of-court defamation settlement from Packer (Ormonde 1981, 69).

In early 1972, Packer sold the *Telegraph* newspapers to Rupert Murdoch. It was a move greeted with great relief on the Labor side. According to Whitlam's speech writer:

the significance of the defection of the *Daily Telegraph* was essentially negative ... The change of ownership removed a constant threat to Labor – the presentation of every story in the most unfavourable light possible. (Freudenberg 1977, 221)

The reaction on the Liberal side was even stronger. Prime Minister, Billy McMahon, was filled with foreboding:

On the night Sir Frank Packer signed the contract (for the sale of the *Daily Telegraph* to Rupert Murdoch) he asked me and my wife to go up to his home to see it, and to get an assurance from Mr Murdoch that he would treat me fairly, apart from the editorials. Of course he did not do it. He did not live up to his promise. He always let me make repair jobs, but all too frequently he told the papers what they were to write. Frank told me what was happening. I said 'Frank, I think that ends our prospects for the election. You have won two elections for the Liberals in the past, and we would have relied heavily upon you in the next election.' (*MIA* 16, May 1980, 82-3).

This remarkable testament to media power by an Australian Prime Minister raises several interesting questions, in particular which two elections did Packer win for the Liberals, and how did he win them? One obvious candidate would be the 'credit

squeeze' election of 1961, when Menzies scraped home by one seat against Calwell. In that election, the Fairfax press, for the first time in their history, supported Labor editorially, but they went even further, mobilising many of their resources to help in Labor's campaign (Souter 1981, 379ff). This defection by a press proprietor only made the Packer press even more determined:

During the 1961 election I came back to Sydney with Menzies. Packer asked who would win? I said the ALP. Packer said how can we prevent this? I replied only if Menzies said he'd lift the credit squeeze within three months. He said have you told Menzies? I said no. Packer said I am giving you an instruction as your employer. He lifted the phone, spoke to Menzies and said I'm sending Alan to see you. In his next speech Menzies gave an unqualified assurance, and that became the issue for the last few days. I think that if he hadn't said that, he would have gone down. (Alan Reid, personal interview, 1983)

The other election for which McMahon credits victory to Packer's efforts is harder to guess, but could have been 1963. That year, the *Telegraph* photographer, on Alan Reid's direction, got a picture of Calwell and Whitlam, the parliamentary leader and deputy leader, waiting against a lamp-post outside in the cold Canberra night, while the national executive decided Labor's policy on US bases in north-western Australia. It did enormous damage to Labor, leading to Menzies's famous line about the '36 faceless men' who were the real power in the Labor party. However, many other political currents were also then running the coalition's way, and they would have won the 1963 election irrespective of Frank Packer's help.

Deprived of his major newspaper outlets in the 1972 election, Frank Packer could not help himself. For the first – and so far the only – time, a television station broadcast editorials. On two occasions in prime time, Channel Nine recommended a vote for the Liberals. These were framed with the usual Packer appeals to rationality. The first, written by David McNicoll, and broadcast at 7.00 pm before the start of the top-rating program, *A Current Affair*, began:

It will not take the solid middle-of-the-road voter long to work out which policy – Mr

Whitlam's or Mr McMahon's – is the best for Australia and the best for him [*sic*]. Mr Whitlam's speech sounded like the marijuana dreams in a Utopian Disneyland where wars and threats and strikes were unknown and where man could prosper in happiness without working or worrying (Oakes & Solomon 1973, 284).

Labor tried, but failed, to get equal time. The common view was that the *Broadcasting Act* made such editorials impossible. However, not for the last time, it was found that the regulatory agency – then the Australian Broadcasting Control Board – did not have the power everyone had presumed it did.

Neither, apparently, was another aspect of Packer's help for the anti-Labor cause during the 1972 election against the *Broadcasting Act*. He gave the Democratic Labor Party, whose second preferences flowed to the coalition from its formation after the Labor split of 1955, \$18,980 worth of free advertising during the campaign (Mayer 1973, 199). Earlier, although most of the details have never become public, he had been a large and frequent contributor to Liberal Party coffers. Donald Home, then a senior Packer editor, has estimated that in 1965, when Robin Askin was elected (breaking Labor's long reign in NSW), Packer's support for the Liberals in free advertising and donations probably totalled '£75,000 or, in today's devalued currency, just over \$1 million' (Barry 1993, 52).

Packer not only was a supporter of the Liberals against Labor, but a major influence within the Liberal Party. Frank Packer, like other major media proprietors, was involved in the meetings in 1944 which led to the foundation of the Liberal Party (Souter 1981, 271). During the long years of Menzies' dominance, Frank Packer was an unswerving supporter. As Liberal politics became more divided and unstable after Harold Holt's death, Packer's interventions were important, but it is far from clear that they actually helped the Liberals' cause. Initially Packer gave strong support to John Gorton's efforts to become leader (McNicol 1979, 235). However, his involvement in the fall of Gorton attracted much more public attention. Indeed many saw it as a Packer plot (cf 'Y' 1971). Alan Reid, his chief political reporter, and widely known as 'Packer's Paladin' after the popular TV

series, *Have Gun Will Travel*,<sup>1</sup> was intimately involved in the manoeuvring to bring Gorton down (Howson 1984; Tiffen 1988).

Various members of the Packer entourage have celebrated the political and journalistic achievements of the Frank Packer years:

We were the paper that everyone in [Parliament] took notice of. I don't think that we will see its like again ... We acquired the reputation of power, and that had its own importance ... The *Daily Telegraph* was a highly political paper. It was a one paper empire. It had influence all over the country. (Alan Reid, personal interview)

In many ways this may be true. However, it is also easy for the rhetoric to out-run the evidence. The only direct comparison of Packer's achievement with the *Telegraph* was the Melbourne morning tabloid, the *Sun News-Pictorial*, owned by the Herald and Weekly Times. The *Sun* consistently outperformed the *Telegraph*, both in total circulation and in market share (Goot 1977). In assessing the *Telegraph's* electoral impact, it should also be remembered that NSW had Labor governments from 1941-65, while in the 1972 election, when the now-Murdoch-owned *Telegraph* turned in favour of Labor, the swing against the Liberals was still considerably larger in Victoria than in New South Wales, 5.5 per cent to 3.8 per cent (Collins 1973, 44).

Frank Packer died on May Day just before the 1974 Federal election. The immediate signs were that his sons would continue his anti-Labor crusades. In that campaign, Clyde Packer set out with John Singleton and Askin, to mount an anti-Labor series of advertisements. The most infamous had an Estonian woman likening the Whitlam Labor government to the Soviet communists of her former homeland (Oakes & Solomon 1974, 267ff).

During the momentous events of 1975 there was little evidence of pro-Labor sympathies in any Packer outlets. The *Australian Women's Weekly* took the usual step of publishing a long insert on the constitutional crisis and the election, which 'explained' all the issues in a way sympathetic to the coalition (McQueen 1977, 89). Channel Nine made late changes which ensured that Whitlam's final rally in Canberra was competing against the most popular programming (Barry 1993, 215).

During the years of the Fraser government, Packer's pro-Liberal views survived intact. But in New South Wales, things were changing.

### BEGINNINGS – PACKER AND WRAN

Just six months after the collapse of the Whitlam government in 1975, when Labor's prospects seemed at their bleakest, Neville Wran wrested power in NSW from the coalition government by one seat. Two years later, he called an early election and scored the first of his 'Wran-slides'. A second 'Wran-slide' followed in 1981, while in 1984, he scored another but much tougher victory. After one of the most remarkable electoral careers in Australian politics, Wran retired in 1986, and Labor was defeated at the following election in 1988.

Brian Dale (1985), Wran's press secretary, has related how in Opposition Wran moved skilfully and determinedly to create good relations with the press gallery. But he is almost silent on how, once in government, Wran moved just as skilfully and determinedly to create good relations with the media proprietors.

The co-operation between Wran and Packer grew slowly and relatively unobtrusively during Wran's first term. In 1977, Packer was in the early stages of his conflict with the cricket establishment, trying to launch World Series Cricket (WSC). The Sydney Cricket Ground Trust ruled in July 1977 that the ground would not be made available for Packer. Immediately the Wran Government intervened, over-ruling the Trust, and compulsorily retiring most of its members. The state Liberals opposed this move, managing to delay the ground's availability to Packer until the following season (Barry 1993, 187, 504). The following May, the SCG, with state government help, announced it would build six light towers, greatly helping the eventual success of WSC cricket.

Two months later, Labor contested a crucial by-election in the Liberal-held seat of Earlwood. Packer owned the local suburban newspaper in the electorate, edited by a former Liberal MP. In a complete change of editorial policy, the paper came out in strong support of Wran. It was the first occasion in over 40 years of publishing that any Packer outlet had recommended a vote for Labor. Even more surprisingly, the editorial was

'written by Peter Barron, Wran's Deputy Press Secretary, at Wran's request' (Steketee & Cockburn 1986, 165) and then printed verbatim in the Packer publication at Packer's personal direction (Barry 1993, 203). The by-election was a triumph for Wran, who secured a huge swing.

So emboldened, he went on to call an early election for October 1978. During that campaign, another Packer suburban paper, the *Manly Daily*, circulating in the northern electorates of Manly and Wakehurst, swung behind Labor, and for the first time, Labor won them (Steketee & Cockburn 1986, 165). Channel Nine offered tangible support, in the form of 'an occasional and friendly Sunday evening interview with Wran in 1978' (Steketee & Cockburn 1986, 165). A still more dramatic manifestation was to follow, however:

The other commercial channels, 10 and 7, scheduled the broadcast of the campaign opening for late in the night but Channel 9 asked permission to break the 8.00 pm embargo to run the ALP-prepared 30-minute program from 6.50 pm. That night the Channel 9 news and 'The Sullivans', then two of the highest-rating programs on Sydney television, were shortened or postponed as the Wran election speech went to air (Dale 1985, 140).

The Liberals' policy speech did not receive favoured treatment. In retrospect, it is amazing how little furore was created by Nine's unprecedented partisanship. Perhaps it reflected how dominant Wran then was over the Liberals (ironically led by a former Packer editor, Peter Coleman), or perhaps the idea of Packer unfairly using his media outlets to favour Labor was such a novel idea that it took everyone by surprise, or perhaps the other media companies were reluctant to make a public issue of Packer's behaviour.

The following year, Wran defied party policy by awarding the licence for the state's new Lotto scheme to a private consortium rather than the State Lotteries Office (Richardson 1994, 50). Wran argued that a private consortium had greater marketing capacity. The state-licensed monopoly became extremely lucrative both for the government and the companies running it. The successful tender was from a syndicate of Rupert Murdoch, Robert Sangster and Kerry Packer.

Murdoch and Sangster had already participated in a similar venture. A surprise in the New South Wales decision was the syndicate's late inclusion of Packer. It is unclear when and how he joined (Barry 1993, 210). Early in the process, a successful Sydney businessman approached the Fairfax company, and said he was acting as a go-between and could arrange for Fairfax to have an interest in the Lotto licence. But they declined (Carroll 1990, 54).

The Lotto decision was the focus of very considerable public controversy. But another state government decision that benefited Packer received almost no media attention. A Packer company controlled the ski resorts at Smiggin Holes and Perisher Valley, as well as their T-bars and chair lifts. The leases were to come up for renewal at different times in future years. Without calling for competitive tenders the Wran government renegotiated all the key leases in the two valleys until the year 2025 (*Sun-Herald* 29 July 1979).

Some decisions of the Wran government could be readily defended in public interest terms. The construction of lights at the SCG was a forward-looking move: the marketing muscle and expertise of the Lotto consortium made it a much bigger and hence more lucrative phenomenon. Nevertheless they were also part of a relationship, which can rightly be described as 'mutually beneficial' (Steketee & Cockburn 1986, 165).

## LABOR MEDIA POLICY AND PACKER'S 1987 WINDFALL

Few Australians benefited so greatly or directly from the Labor federal government elected in 1983 as Kerry Packer.<sup>2</sup> Packer's inheritance, worth about \$100 million in 1974 (Barry 1993, 140), included assets in TV and magazines whose value and strategic use would continue to appreciate. But this was small compared with the \$1.05 billion that in January 1987 Alan Bond paid Packer for his broadcasting outlets. Packer commented at the time, 'you only get one Alan Bond in your lifetime' (Barry 1993, 311).

Packer's good fortune with Alan Bond was made possible by the federal government's changing of the TV ownership rules. Soon after Packer's sale, Rupert Murdoch sold his

two Channel Tens for \$840 million. One stockbroker estimated that, before the announced changes, the total for the combined sale for both the networks would have been around \$800 million, so that the combined selling price of nearly \$1.9 billion constituted a government-generated windfall of \$1.1 billion for the two companies (*SMH* 23 April 1987).

The federal government certainly did not foresee this windfall. However, Packer's attitude had always been central to its considerations. The policy announced in November 1986 had its origins in moves for introducing competition into rural TV services and attempts to reframe the two-station rule of TV ownership in terms of national market share. At first the Department of Communications suggested all TV owners be allowed to own stations which could reach up to 43 per cent of the audience (the equivalent to the Melbourne and Sydney markets combined). A caucus committee suggested 35 per cent, and recommended that the Melbourne and Sydney stations could not be sold as a pair, thus greatly reducing their re-sale value.

Prime Minister Hawke resisted these moves, at one stage proposing a version which would have allowed Murdoch and Packer special treatment. The issue led to bitter arguments and the most serious Cabinet leaks which the Hawke government had suffered. Senator Button was quoted as saying to Hawke, 'tell us what you want for your mates' (Chadwick 1989, 16).

Eventually the long stalemate was broken by Treasurer Keating. He proposed that any owner could extend to 100 per cent of national reach, but also introduced the notion of restricting cross-media ownership, so that no company could control both a newspaper and a TV station in the same market. Because of the pattern of media holdings, the effect of the new legislation was to advantage the Packer and Murdoch groups and to disadvantage the Fairfax and Herald and Weekly Times companies. Murdoch and Packer had been consulted and forewarned about the changes; the others hadn't (Carroll 1990, 92-3; Souter 1991, 175-7):

Kerry Packer was so well informed about the direction of the Government's thinking that some people who spoke with him in this period found him discussing the issue

using similar phrases to Keating.  
(Chadwick 1989, 20)

The Government hoped to strengthen Packer, Murdoch or Homes à Court, 'proprietors whom they saw as modern, tough and pragmatic and with whom they could deal'. Keating told caucus that Packer was a 'friend of Labor' (Kelly 1992, 278). Hawke was reported as telling several ministers that if Cabinet approved the new rules for the Packer and Murdoch organisations the government would win the next election (Chadwick 1989, 23). The staunchest advocate for Packer's views was Hawke's staffer, Peter Barron:

Barron's version in 1985–86 of what television policy should be was the same as the version being advanced by Channel Nine, sometimes absurdly so. Tom Burton ... was on Duffy's staff throughout the debate and remembers Peter Barron coming into Duffy's office one day clutching a piece of paper and saying, 'This is what the boss wants,' ... as he thrust the paper towards him. Burton couldn't help noticing that it was a fax from Channel Nine. It seemed odd to him that Hawke's supposed 'recommendations' had not even been transferred to the Prime Minister's notepaper (Barry 1993, 326–7)

The government's embrace of Packer was public as well as private. Before the 1987 election, Bob Hawke gushed over Kerry Packer – the way a generation earlier Billy McMahon had sung the praises of Sir Frank – describing him as 'a close personal friend' and a 'very great Australian'. After this, Kerry Packer complained to a friend about Hawke being so deferential in public (Barry 1993, 309–10). According to his speech-writer, Hawke's behaviour 'caused him lasting political damage' (Mills 1993, 75). On a video compiled by Channel Nine to mark Packer's departure, Hawke was even more fulsome, concluding with the words 'Good on yer Kerry, you've been true blue' (Barry 1993, p 331).

## VICTIMS TOGETHER

Perceptions of coinciding interests were the driving force of the Labor-Packer relationship, but an unusual extra ingredient in their bonding was the common experience of feeling themselves wronged in public scandals. In the first years of the Hawke government several senior Labor

figures were subjected to critical investigative reporting, especially by the ABC and parts of the Fairfax press.

Less than two months after the 1983 election, *Four Corners* investigated the corrupt administration of justice in New South Wales, focusing upon a case where central figures had invoked Wran as their authority (Masters 1992, Ch 2). *The Big League* program led to a Royal Commission during which Wran stood down as Premier. The Commission exonerated Wran of all accusations against him, but also recommended the prosecution of the others named. The program had a far-reaching impact on the atmosphere surrounding corruption and justice issues in New South Wales, but it created strong resentments inside senior ALP circles, where it was an article of faith that Wran was the victim of a smear:

After the *Four Corners* affair Wran never trusted another journalist, with the exception of some of the members of the press gallery whom he had known for years. (Dale 1985, p 145)

Other Labor party figures had their own problems especially with the Fairfax press:

Keating was critical of Fairfax, inspired by its hostility to ALP right-wing governments and a personal sentiment after the *National Times* launched a minute investigation of his personal affairs. The paper tried to nail Keating as a corrupt politician but failed to find any evidence. Its chief line of inquiry was that Keating had given his friend, Warren Anderson, special tax exemption, a suggestion that stung Keating. He concluded that the paper had embarked upon a calculated effort to destroy his career. (Kelly 1992, 279).

The strongest anti-Fairfax feelings in the Labor Party were produced by the accusations against Justice Lionel Murphy, beginning with the *Age* tapes affair.

Senior levels of the government viewed the Fairfax company's reporting as 'out of control and dangerous'. After the policy changes and the ownership upheavals, Keating told Fairfax executives, 'I hurt you more than you hurt me' (Carroll 1990, 61, 93). These Labor figures' views of the ABC and Fairfax inclined them to look for more dependable media allies elsewhere.

But in the early years of the Hawke government another public scandal was working towards its own ironic denouement. The Costigan Royal Commission into the Painters and Dockers, started in 1980 by the Fraser Government following revelations in Kerry Packer's *Bulletin*, came back to haunt them both. 'The Costigan missile, which was ... fired by Fraser's own hand ... travelled in a complete circle and torpedoed its instigator'. After Costigan discovered 'the Painters and Dockers' were being used by promoters in the tax-evasion industry, the new area of investigation meant 'the inevitable explosion would occur under the very foundations of the Liberal Party' (Kelly 1984, 268-70).

Similarly, in September 1984, the *National Times* published a spectacular report about Costigan's still uncompleted investigations into a powerful figure code-named Goanna, who was 'involved in pornography, tax evasion, drug importation, corporate fraud, money laundering and even murder' (Barry 1993, 245). This was the beginning of a nightmare for Packer, who soon identified himself as the Goanna. Eventually, the most spectacular of Costigan's accusations, where the Goanna's associates were suspected of murder and drug importation, were completely dismissed. However, 'Packer had been under huge strain while the hue and cry was at its height and had been depressed and almost suicidal, according to friends' (Barry 1993, 296).

The investigation began when Packer's friend and business associate Brian Ray was giving evidence. Ray, at the time a bankrupt, who had been allowed to pay off debts of \$3 million at the rate of one cent in the dollar, had lent \$225,000 to Packer, in cash, apparently interest-free, with no receipts or documentation, and with no apparent schedule for repayment (Barry 1993, 230-53). The transaction naturally aroused much interest. It was curious that such a large transaction was in cash (Packer explained 'I like cash. I have a squirrel mentality'); why Ray appeared so uninterested in having the loan repaid (three years after the initial payment, neither any capital nor any interest had been repaid); and why one of Australia's richest men was borrowing large sums from a bankrupt.

The Costigan investigators became increasingly frustrated by Packer's delays and apparent obstruction to their inquiries. In the most spectacular episode, Costigan was granted access to some documents about a loan to Ray from Singapore, but before he could take possession, they were flown from Sydney to Singapore, and then to Hong Kong. A solicitor employed by Packer was following a similar route, frantically but unsuccessfully, pursued by Costigan investigators.

Costigan's investigations were still incomplete when he was forced to wind up the Commission. For two and a half years, as the National Crime Authority pursued the investigation, there was silence.

Then in March 1987 Attorney General Lionel Bowen made a statement to Parliament to the effect that Packer had been cleared of any suspicion arising out of Costigan's inquiries. Bowen told several people that he had been under strong pressure from Prime Minister Bob Hawke to make the statement. And it was certainly extraordinary for such public declarations of innocence to be made (Barry 1993, 294).

### IN CONTROL, 1990-94

In June 1990, with a little help from the federal government, Packer regained control of Channel Nine. When Packer had sold Nine to Bond, payment of the final \$200 million was delayed, and Packer had maintained a small share holding. As Bond's troubles mounted, and the deadline for the final payment approached, Packer moved to regain control. Bond Media, meanwhile, had discovered a loophole in the Act, which they thought would allow them to have up to 50 per cent foreign equity, and through this injection of capital, thought they could survive.

However, the government moved quickly to close the loophole. While the government's prompt action maintained the spirit of the Act, its immediate beneficiary was Kerry Packer (Tiffen 1994, 335). A Packer magazine rated his regaining of Channel Nine as one of the 'deals of the year': 'with virtually no cash outlay, Packer converted his preference shares and the accumulated interest into ordinary shares, taking a 51% interest' (*Australian Business* 16 January 1991).

Packer immediately set about dramatising the poor financial state of the network. Channel Nine announced a loss of \$619 million, one of Australia's top ten corporate losses. However, the company's writing down of its assets comprised \$430 m of this, while another \$195 m was in abnormal losses (*SMH* 28 September 1990). Actually Nine had performed better under Bond than under Packer. It 'improved its earnings before interest each year, consolidated its number-one spot in the ratings and grabbed 40% of national TV advertising revenues' (Barry 1993, 391). Of course, this was not sufficient to address the central problem of the huge debt generated by Bond's original purchase price. Packer, however, painted a picture of pure disaster.

Packer's dominance in Australian media was now greater than it had ever been before. Thanks to Alan Bond he was Australia's richest man, with immediate financial strength unparalleled by any other Australian corporation.<sup>3</sup> Moreover, he faced no competition, except, in strictly limited areas, from Murdoch. The other two commercial TV networks were in receivership, and the Fairfax group was financially crippled, thanks to Warwick's disastrous privatisation.

The new era of Packer control in television was to be marked by ruthless economising and a more single-minded interest in profits. Everywhere Packer used his dominance to seek the most favourable deals he could. For example, regional affiliates of Nine were squeezed (Barry 1993, 396-7), and he tried, unsuccessfully, to bully the *West Australian* newspaper into selling to him at rock bottom prices, allegedly threatening that Murdoch would squash them if they didn't comply (Barry 1993, 402).

The move which had the greatest policy significance from this period was the way that Australia's system of three-way commercial TV competition was turned into a two and a half network system, where Ten no longer competed strongly, but was content to run third more cheaply. Ten had been owned by Frank Lowy, but after continual losses, he had vacated the management to Steve Cosser's Broadcom group. Under Cosser, Ten was still making very substantial losses, and about a year later its banker, Westpac, suddenly moved.

The Westpac move was extremely controversial, and Packer seemed implicated for several reasons. Firstly some months earlier Packer had contacted the Ten chairman and in coarse, abusive language, told him Ten had to accept being the number three station (Barry 1993, 399), and cut its costs accordingly, a scenario that the bank's intervention would bring to fruition. Secondly, several of the key players had close links with Packer – Westpac was Packer's bank; its chief adviser on the move was Packer's confidante, Malcolm Turnbull; the bank installed a former Nine employee, Gary Rise, as chief executive; and part of the Westpac scenario, if Cosser resisted, involved pulling the plug, and instead using spare Nine transmitter capacity. In the next three years, Ten's audience share in the two biggest markets dropped in round figures from 30 per cent to 20 per cent (ABT 1992, 44) – an outcome which would have pleased the other two commercial networks. However, a combination of the deregulatory ethos promoted by the Labor government, the disarray in media regulation following the spate of financial disasters, and perhaps a fear of offending Packer combined to produce an apparent reluctance to actively investigate such allegations.

### PACKER AND PAY TV

No one has consistently benefited from the government's chaotic changes of mind and reverses on pay television policy (Tiffen 1993). However, a constant factor overhauling that policy process has been the wish of key sections of the government to accommodate Packer. Packer's preferred outcome was that pay TV not be introduced, that nothing disturb his privileged current position in free to air TV. Failing this he wanted pay TV to be introduced as late as possible and in a way that made minimal impact on Nine's performance, or if it must eventuate on a large scale that he be given a privileged, dominant position in the new order.

Public attention during the various policy moves focused on the content of the various schemes and what that signalled about the lobbying power and prospects of the existing free-to-air operators. However, the most basic interest of the current commercial licensees is one of timing – how long can they delay the introduction of this



competition that will erode their call on the advertising dollar? The fact that pay TV in Australia is still in its infancy, despite there having been moves to introduce it since the early 1980s, represents an enormous victory for them. Another victory was the ban on advertising on pay TV until 1997.

A less obvious victory was the insistence on digital technology. As one senior bureaucrat confided in 1992 (*SMH* 10 June 1995), if the government adopted digital as the mandatory technology, it would mean (because of the further delays this would cause) that Packer had won. The technical issues were very difficult. Digital was the longer term preferred technology, but no digital system was yet operating commercially anywhere in the world (Australia, Senate 1992, 45), and it was likely that this choice would further delay pay TV. It has.

The most blatant action favouring Packer and the established operators, however, was administrative. The government had often proclaimed its technological neutrality among new media. The biggest players had their eyes on satellite and cable, and had neglected microwave, even though it could go to air immediately and at a cheaper cost to consumers. Several government statements had explicitly acknowledged the possibility and desirability of pay TV services being delivered via terrestrial, microwave transmission (MDS). The large corporations only belatedly realised that Steve Cosser's Broadcom had acquired nearly all the microwave capacity in Sydney and Melbourne. Programming companies and others were starting to negotiate with him because of his strategic position.

In December 1992, the Minister for Transport and Communications, Bob Collins, announced that the last six such licences were to be auctioned on Friday, 29 January 1993. On Wednesday, 27 January, Packer offered Cosser \$13 million for his licences and pay TV operation. Cosser was already involved in negotiations for injections of capital by major corporations which valued his operations at almost ten times that amount. Cosser refused Packer's offer. The next day, at 4.00 pm, the ABA head, Brian Johns, assured Cosser the auction was proceeding normally. But two hours later, the Minister called it off. Various government figures explained the reasons

for the abrupt action differently (Barry 1993, 482-3). During the subsequent election campaign, Cosser mounted a dramatic series of advertisements, quoting the government's earlier pronouncements back at them, and wondering what could possibly have produced their last minute change, suggesting people 'ask the mates'. After the election, his Federal Court challenge further embarrassed the government, when it was revealed that it was Keating rather than Collins or his Department who had brought about the reversal of policy (Barry 1993, 485). Clearly in February 1993, Paul Keating and Kerry Packer were still allies.

### A FAVOUR TOO FAR - PACKER AND FAIRFAX

The year-long auction which followed the Fairfax company being put into receivership in December 1990 inevitably produced a bid from Packer. Despite early denials, he emerged as a major part of the Tourang syndicate in alliance principally with Canadian Conrad Black. When the Tourang bid was unveiled on 17 July 1991 (Barry 1993, 428), it created an immediate political controversy, but clearly it had very good prospects of success. It had the direct participation of some very big companies, and it had the crucial advantage that Malcolm Turnbull had had the foresight to sign an exclusive agreement with the American 'junk bond' holders (who could have mounted effective and costly legal challenges to any deal that did not give them what they wanted).

The battle for control of Australia's most prestigious and profitable newspaper properties brought a new pitch of political controversy, the ferocity of which it is unlikely Packer anticipated. The most spectacular manifestations were: a petition against further media concentration which quickly won the support of a majority of both sides of parliament; the joining together of old foes, Malcolm Fraser and Gough Whitlam, and several other former leading politicians in a similar petition; and a series of large public rallies. Such fervour on a media policy issue was unprecedented in Australian politics. It showed how highly the major Fairfax publications were viewed, how much the most politically interested groups deplored the changes which had already occurred under Labor, and how strong was the antipathy to Packer.

The dilemmas for the Hawke government were several. Packer's gaining a strategic stake in the Fairfax company would obviously be a politically damaging outcome for the government (Tony O'Reilly's was the preferred bid in Canberra, but not with the receivers), but at least the senior levels of the government wanted to prevent this in a way that did not incur Packer's lasting wrath.

Some of Packer's early moves on the issue were not terribly helpful, for example telling a Channel Nine interviewer 'The idea that I can end up buying 15% [of Fairfax] ... amuses me' (Barry 1993, 421). However, he then made a spectacular televised appearance before a Parliamentary Print Media Inquiry, in which he dominated the hapless MPs attempting to question him. This won wide public acclaim (cf Tiffen 1992).

But disaster soon followed. The Australian Broadcasting Tribunal announced it was mounting an inquiry into the Tourang bid. The focus and reasons for the inquiry were not publicly specified, but speculation centres on whether there was evidence Packer would exercise control, despite his public denials. It was revealed later that the Tribunal inquiry was called after its former head, Trevor Kennedy, had been asked to surrender all relevant papers (Barry 1993, 446-7). Within days, Packer capitulated, withdrawing from the Tourang consortium. The Tribunal inquiry was then called off on the grounds that it was no longer necessary. In December 1991, Keating replaced Hawke as Prime Minister and Tourang, minus Packer, won Fairfax.

Beginning in 1993, Packer gradually built his share holding in Fairfax to almost the same level which he would have held as an original partner in the Tourang syndicate. But in a process typical of media policy in Australia, because he did this gradually and there was no strong public focus on his actions, and because no one in officialdom wanted to offend him, he never had to face the Tribunal inquiry. Even when in 1995 he stepped over what had been presumed to be his 15 per cent limit, the new regulator, the Australian Broadcasting Authority (ABA), announced that the 1991 inquiry would not be re-opened.

## THE FALLING OUT

The ferocious public dispute between Packer and Keating erupted in February 1995. Packer had bought more shares in the Fairfax company, in defiance of what most people assumed to be his 15 per cent limit under the cross-media ownership laws. This action was sure to embarrass the government: it re-opened the political wounds to do with Packer's involvement in the Tourang bid, and it forced the government either to act against Packer or to admit that its own legislation was deficient.

It is impossible to know why Packer moved on Fairfax when he did. Perhaps he thought the political timing was opportune, with Keating in some trouble with the Liberals' resurrected leader, Howard, and Brian Johns about to leave the ABA for the ABC. Probably more important was the feeling that Murdoch was out-maneuvring him. Murdoch was already becoming more active in Channel Seven, and there was talk of him regaining Australian citizenship under a possible new dual citizenship regime. Packer had abandoned Murdoch and Telstra in the so-called PMT (Packer-Murdoch-Telecom) pay TV consortium to team up with Optus, but in early February, Telstra, News and Australis reached agreements on co-operation in pay TV, which threatened to dramatically marginalise Packer and Optus (*SMH, Australian* 2, 3 February 1995). There was even speculation that Murdoch was raising his stake in Fairfax (*Australian* 3 February 1995). As well, there was speculation in Canberra that the cross-media and foreign ownership rules were about to be eased, on the grounds that technological change had made them redundant. Packer would have been keen to position himself early for any such changes.

However, the government's immediate response to Packer's position on the share register was to insist that this was a matter for the ABA. On the *7.30 Report*, Prime Minister Keating declared himself 'on this issue, happily above the fray' (*Australian* 15 February 1995). He also alluded, with great prescience, to how the ABA might judge the issue of control: 'It depends whether he has got board representation, I think'.<sup>4</sup>

Packer changed the dynamics of the situation by having himself interviewed on

his own network by a deferential Ray Martin. Here he made disparaging remarks about the government's media policy. People were treating the cross-media ownership rules as a joke, he said; Murdoch and Black were getting a better deal from the government than he was; 'we have got Telecom paying all the bills and Rupert using all the money ... imagine him spending the taxpayers' money instead of his own ... spending Telecom's money buying his programming'. He wanted Fairfax, and 'he was not going to be stuck at 15% with everybody moving around me'. He appealed to nationalism: it greatly offended him as an Australian that the only Australian-owned newspaper was the *West Australian*; the government had already changed the law once so Conrad Black could go to 25 per cent of Fairfax, why should they give him any more? Why had they let Canwest get 'around the law' to control Channel Ten? He was critical of moves to allow dual Australian-American citizenship, referring to it as the 'Murdoch clause'.

As if this were not enough, he praised John Howard as an honest, decent man who would make a good Prime Minister. All governments, he argued, become lazy and arrogant over time, like everybody else; 'decent people do go into politics and somewhere along the line they find it all too hard'; at some point you need a changing of the guard (*Australian* 17, 18 February 1995).

It is not clear what Packer thought his comments would achieve, but the Prime Minister's response was immediate: 'I told [Packer] yesterday I was in the conflict business. I don't take the troubles. I give them to people like that ... It would take more than a dozen Kerry Packers to put any pressure on me' (*SMH* 18 February 1995). A few days later Keating was interviewed on Nine's *Sunday* program, where a lengthier but equally aggressive case was mounted. He pointed out that Packer's embrace of economic nationalism contradicted his position before the 1991 parliamentary committee when he had said there should be no such restrictions; insisted Howard and Packer had made a deal about cross-media ownership; and floated the (improbable) idea that there should be a fourth, more family-oriented commercial TV network, that did not show violence.

Keating traced Packer's disenchantment with the government to the government's denying the Packer-Optus group a guaranteed cable pay TV duopoly the previous year. The 'Packer camp' had wanted the government to stop Telecom laying telephone and pay TV cable in areas where Optus had laid it. He described this as the biggest attempted scam since the late, disgraced, former chief magistrate, Murray Farquhar, had plotted to steal the gold reserves from the Philippines National Bank. This guaranteed private monopoly to Optus, he went on, would have amounted to 'de facto privatisation of Telecom', and involved the transfer of \$7-\$8 billion from the public purse to Optus (*SMH* 20 February 1995). What Keating didn't stress was that after eleven years of Labor government, it was the sort of proposal that Packer thought had a chance of being accepted.

Over the following week, the accusations and counter-accusations escalated. Keating even referred to his two formerly close comrades, Graham Richardson and Peter Barron, as Packer 'lackeys' and 'the hired help', including for good measure a reference to 'thirty pieces of silver'. Michael Lee's non-committal comments from the previous week now acquired a much more definite tone. He was able to pronounce there would be no new media rules for three years, and to warn Packer that he risked his TV licence and fines of \$2 million a day if he were found to be in breach of the cross-media rules. Packer, he said, was 'hypocritical' over his changed attitude to foreign investment in the media (*AFR* 21 February 1995).

Politicians were not the only ones to undergo a change of rhetorical tone. Fairfax chief executive, Stephen Mulholland, had begun in amiable fashion, telling the *7.30 Report*: 'Well, I'm sure [Packer's] a very good employer. From what I've heard he's a kind man, a loyal man apparently ... And I like him, I like him. He's a good chap' (*SMH* 18 February 1995). Soon, however, his memory recovered, and he recounted that the Packer representatives had tried to have him fired from his role at Fairfax (*AFR* 20 February 1995).

The two groups thoroughly enjoying the spectacle were the Liberal Party and Rupert Murdoch. The least persuasive part of Keating's case was the claim of a secret deal

between Packer and Howard. Howard was able to portray the Prime Minister as desperate, demanded that he produce evidence, and characterised him as the 'Kirribilli Kid', a reference to the secret deal he had made with Bob Hawke over the Prime Ministership. He was also able to point to a consistency in his own public position on market forces, and argue further, as several government statements had already suggested, that 'technology has rendered the rules redundant', managing thus to take an effectively pro-Packer position with a minimum of controversy.

Soon after, Rupert Murdoch joined the fray. During an interview with Jana Wendt on *60 Minutes*, he expressed his admiration for Keating's strong leadership, refrained from offering any direct praise for John Howard, and compared his own company with Packer's in ways which quite demeaned the latter. The style of the two interviews said much about the two corporate leaders – Murdoch was reasoned and quiet, Packer belligerent and dismissive of all views counter to his own. The interview was also a calculated sally in Murdoch's moves against Packer in rugby league.

There was another public dispute between the government and Nine running through this period. It involved the direct TV coverage of the coming Australian cricket tour of the West Indies. The government had introduced anti-siphoning laws for major sporting events, which gave free-to-air operators first chance to gain television rights, if they made an offer on 'fair commercial terms', a phrase fraught with difficulties when judging bargaining positions:

According to unconfirmed sources, the Nine network paid close to \$1 million for the rights to the Australia-West Indies series in 1991 ... Citing low ratings for [that] series, it has reportedly offered \$100,000 [in 1995]. (*Australian* 31 January 1995)

Before the regulations were enacted, companies associated with Galaxy had already gained the right to cover the West Indies tour. Galaxy, which still had a very small number of subscribers, was willing to share the rights, offering simultaneous broadcasting to a free-to-air broadcaster, on terms which, in relative audience numbers,

were extremely generous. Nine was adamant that any simultaneous telecast was unacceptable to it, and would create an unfavourable precedent. It would agree to participate only if Galaxy's telecast were delayed, a condition which obviously Galaxy would not agree to.

Galaxy's impact on Nine's audience would have been negligible. However, Nine seemed determined to escalate the political confrontation. Its disinclination to cover the tour was essentially commercial, but it wanted to place the public blame and pressure on the government. In the end, after approaches from the Minister, Channel Ten rescued the government. Ten and Galaxy simultaneously broadcast Australia's victory.

Although Packer's extraordinary anti-government outburst on *A Current Affair* was unexpected, the seeds for the mutual disenchantment had been growing over a considerable period. Packer's apparent insatiability for new media acquisitions was proving more and more of an embarrassment. His opposition to developments in pay TV was a drag on government movement in this area. Quietly, in 1994, Communications Minister Michael Lee had successfully resisted Packer's demands at least twice. Firstly, in early 1994, the PMT conglomerate had launched 'a Federal Court action on pay TV to stop Australis'. Lee 'could see that the delays and uncertainties caused by the action would probably cause the collapse of Australis' and hence of government pay TV policy. He persuaded each of the syndicate members 'of the political risks of the challenge' (*BRW* 2 May 1994). More significant was the decision in December 1994, which Keating referred to, to reject the move by Packer and Optus Vision,<sup>5</sup> to divide the country into regions, where either Optus or Telstra had a cable monopoly, and complete discretion as to what services to provide to the captive consumers in that area.

Beyond these specific policy conflicts, a more subtle change had been taking place. Packer's direct relationship with Labor had always been limited to a small but strategic group. Only a few had 'soaked up Packer's largesse, especially cosy sojourns to the Australian Consolidated Press ski lodge in the Snowy Mountains' (*AFR* 21 February 1995). While Packer had the strong support

of the key members of the NSW right faction and the most senior members of the government, the narrowness of this support did not matter.

However, over the years key members had left. As early as 1986, Peter Barron had gone 'on to Kerry Packer's greener pastures' (Richardson 1994, 203), Richardson, 'known in Canberra circles as the Minister for Channel Nine' (Barry 1993, 449), had also left politics to take up a position inside the Packer organisation. Former Prime Minister Bob Hawke had benefited in his political retirement from activities connected with the Packer organisation, most recently a fee of \$200,000 for exclusive access by *Woman's Day* and *60 Minutes* to an account of his relationship with Blanche d'Alpuget [although Nine's commercial judgment was astray: despite heavy promotion, *60 Minutes* ran an unaccustomed third in its time slot that week (*Australian* 14 February 1995)].

These key relationships had not been replenished, and a generational change inside the Cabinet may have subtly reduced Packer's clout. The mood in the Keating Cabinet was in favour of internationalism, of technological dynamism (including the embrace of the information superhighway and multi-media), of free market competition, of positioning Australia to meet the challenges of the Asia-Pacific region. Significantly it was Murdoch, the global player, rather than the parochial Packer, to whom Keating turned for the deal that would lie at the centre of his Creative Nation package in 1994. Increasingly, perhaps, the government saw Packer as a pedestrian on the information superhighway. Keating, as always, expressed it more forcefully when he privately described Packer as a 'bottom feeder', a grotesque image of a fat, slow fish, catching the smallest game, but always doing well.

## CONCLUSION

Vic Carroll likened governments seeking to do favours for media proprietors to people seeking to buy protection from gangsters, that the payments never stopped and the gangsters kept expecting more (*Independent Monthly* October 1990). Certainly the Labor government discovered that there was no end to Packer's ambitions. One favour was but the prelude to the next demand.

But equally the government was the architect of its own troubles. Its whole attitude was to treat the media as properties whose loyalty could be bought and sold. There has been no apparent change in this. Recently Paul Keating complained in Parliament:

about what he called the potpourri of views expressed in the Fairfax media group. He said the views expressed in the papers ranged from those of Balmain basket weavers to Reaganite Republicans - 'it is a real mixed grill, and of course, absolutely no-one in control'. (*Sun-Herald* 19 February 1995)

In a private diatribe against the media, Keating insisted that he'd 'fixed Fairfax once before and ... if I have to I'll do it again' (*SMH* 18 February 1995). The hubris in this claim is less dangerous than the corrupting temptation for all politicians to subvert the democratic roles of the media. In Keating's parliamentary statement is a barely concealed mistrust of pluralism, a distaste for editorial and reportorial independence, and a preference for predicability, for hierarchy, for units with which one can deal. It is an attitude which is always likely to favour centralised organisations like Packer and Murdoch, to reward proprietorial intervention in editorial functions.

The Packer-Labor alliance at federal level has also been very much a product of the peculiarly fragile nature of media policy-making in contemporary Australian politics. It is a product of the combination of an area where the application of policy principles is particularly fluid and where the largest players are so few, because of concentration of ownership. The last decade has seen numerous examples of how particular principles and rules have been subjected to very immediate political considerations. The foreign ownership rules were tightened in May 1990 with the effect of easing Packer's resuming control from Bond; the cross-media ownership laws were coincidentally tightened just as the Tourang bid for Fairfax was announced; Conrad Black was allowed to increase his share holding to 25 per cent of Fairfax after the 1993 election (*Australia Senate* 1994); the federal government suddenly stopped the auction of MDS licences; Kerry Packer needed to face a public inquiry to acquire 15 per cent of Fairfax in 1991, but not in 1995. In all of

these it seems that rules are to be treated as but the starting points for negotiations, and in all of them the politicians react to short-term exigencies, while the media proprietors have a longer term perspective on securing strategic assets.

'Michael Duffy today says there is no doubt that the politicians gave Packer what he wanted because they felt it was good politics to do so' (Barry 1993, 326). It was a product of the influence which politicians believe the media have and believe that media proprietors have on their own organisations. While the preceding pages offer ample evidence of the wish of senior federal Labor politicians to accommodate Packer, there is very little about what, if anything, Packer did in return. The original relationship between Packer and the Wran government, whatever other criteria one might also choose to judge it by, seemed to manifest a rough equity. But insofar as one can judge from the public record – and the public record does not include, for example, donations by Packer to the party, or influence by the proprietor on his underlings to influence his media outputs – there seems to be almost nothing in the opposite direction. There seems a huge disproportion in the relationship between the media proprietor and the allegedly hard-headed political pragmatists. The *quid* received by Packer has been far more apparent than the *quo* the party received in return.

## ENDNOTES

1. The nickname gains more credence when one considers Reid's own view of his job:

The Journalist is a private soldier. A private soldier does not determine how any army is run. Nor does he decide where, when, how or why battles are fought ... In fact the journalist's role when described in realistic and not romantic terms has a resemblance to that attributed by Tennyson (to the British soldiers in 'The Charge of the Light Brigade') 'Theirs not to reason why, Theirs but to do or die'. (Reid 1965)

2. The recent spate of Labor memoirs – Hawke (1994), Richardson (1994), Uren (1994) and Walsh (1995) – is strangely silent on the government's relationship with Kerry Packer. Is this silence because Packer was so unimportant, because the matters are too delicate, or because none of the former ministers looks with great pride upon Labor's achievements in media policy?

3. He was now immune to the vagaries which could sink lesser businesses. For example, according to *BRW* (22 May 1995, 59), in the last year Packer lost over \$450 million on foreign exchange and securities trading. With other business misadventures and miscalculations over the last year, *BRW* estimated that Packer lost \$6 million a day, but at the end still had a fortune estimated at \$3 billion.

4. In regard to equating control with formal membership of the Board, Packer's experience in Westpac in 1992 is instructive. Before Packer was an official board member, he and his chief executive Al Dunlap, met with Westpac Board members. Then the managing director was called in, and submitted his resignation – all in advance of a formal Board meeting (Barry 1993, 463).

5. Packer's leaving PMT to join with Telecom's rival, Optus, had a neat historical symmetry. The satellite had first emerged on the Australian policy agenda in the late 1970s, due to Packer's initiative. Telecom at the time opposed Packer's move. Later, in one of the most expensive decisions in Australian public policy, the Aussat program was launched and eventually incurred debts of \$800 million. 'Responses to the Aussat blunder were behind much of the confused telecommunications and media policy debate during the ensuing decade', and were a major factor behind the government's breaking of Telecom's monopoly. The Government sold Aussat 'at a virtual giveaway price to Optus in 1992 as part of the introduction of the telecommunications duopoly. Now Packer finally has a stake in the satellites he helped to create, and at a bargain basement price' (*BRW* 2 May 1994).

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