

Centre for Media Transition



Hi there

Crossroads and flashpoints



The past fortnight has brought a series of flashpoints – both in Australia and abroad – that remind us how closely journalism, politics, and social justice remain intertwined.

An internal [BBC review](#) has found that a documentary on Gaza, which featured the son of a Hamas official, breached the broadcaster's editorial accuracy standards and will be further investigated by UK media watchdog Ofcom. [Australian press](#) covering Anthony Albanese's visit to Beijing

faced tight restrictions.

Back home, one of the most controversial developments of the week came with the release of the [Special Envoy's Plan to Combat Antisemitism](#). The plan, initially framed as a response to a rise in antisemitic incidents, explicitly targets public broadcasters and universities. Its proposals have ignited debate about free speech, state overreach, and the weaponisation of anti-racism. The Albanese government finds itself at a crossroads as calls grow for a more inclusive, transparent approach that recognises Islamophobia, anti-Palestinian racism, and antisemitism without reinforcing a hierarchy of harm. The CMT will monitor these developments closely.

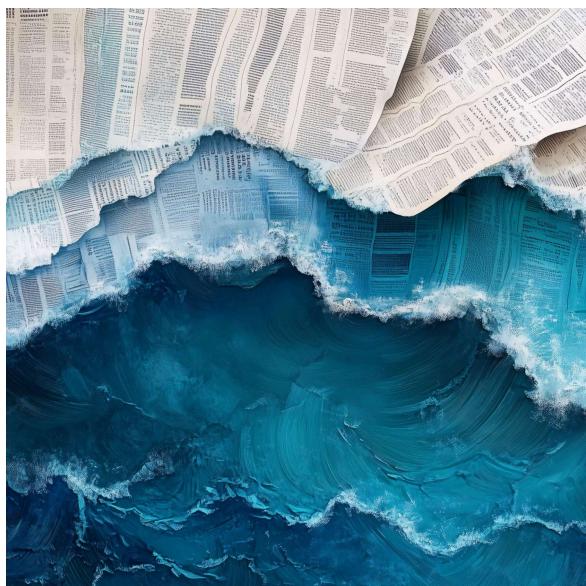
In this newsletter, Derek examines ACMA's decision to reject Free TV Australia's updated industry code. Kieran analyses X and Canadian activist Chris Elston's win against the

eSafety Commission. And following Kevin Kallaughers abrupt dismissal from The Baltimore Sun, I discuss the increasing challenges faced by political cartoonists.



Alena Radina
CMT Postdoctoral Fellow

No new rules about news



Three years ago, it looked like the news and current affairs rules in the commercial TV code of practice were about to be overhauled. At the end of last month, the reform process fell in a heap, with the ACMA [announcing](#) it had rejected a revised code presented by the sector's peak body.

It seems alcohol spiked the code – or at least, the prospect of more alcohol ads in the TV schedule led to a rejection of the whole revised code including any changes that apply to news and current affairs. The

Commercial Television Industry Code of Practice is probably the most important of the broadcasting codes registered under the Broadcasting Services Act. The apparent collapse of the code revision process might raise questions over the effectiveness of the co-regulatory system itself, not just the content of that code. Let's trace it back to see how this exercise in co-regulatory code revision ended like no other.

Back in June 2022 the ACMA issued a [position paper](#) for content makers, noting that the current codes of practice were out of date. ACMA set out its views on audience expectations across nine topics, including accuracy and impartiality, and commercial interests – topics we had addressed in [our own research](#) for ACMA, two years earlier. Then last year, Free TV (the peak body representing commercial broadcasters) released a draft version of the new code before it went to public consultation.

ACMA published a [statement](#) of its own views on that draft, and there did seem to be a gulf between what it wanted and what broadcasters had offered. Among other things, ACMA wanted the sector to strengthen the provisions on warnings about distressing material; to extend to current affairs the rule about distinguishing factual material and commentary in news programs; and to consider introducing a provision about checking the veracity of online information. It also wanted to see changes to the privacy provisions

and an extension of the requirements relating to disclosure of commercial arrangements that can affect editorial content. This is apart from its request – and this is a story for another day – that the broadcasters voluntarily extend these rules to their online services like 9Now.

In the end, the draft code had very little of what ACMA wanted. It did include a strengthening of the rule applying to factual accuracy in news and current affairs programs, so that instead of a broadcaster just being required to ‘make reasonable efforts’ to correct errors ‘in a timely manner’, they would have been required to act ‘as soon as practicable’ and without the protection of ‘reasonable efforts’. The offer didn’t extend to committing broadcasters to make corrections on-air rather than via a website.

So the draft code almost totally failed to address ACMA’s concerns on these issues. While it’s not clear how the code might have changed by the time it was presented to ACMA by Free TV in March this year, it seems the news rules didn’t figure in ACMA’s decision to reject it. Other points mentioned in ACMA’s statement are those over which it has no actual powers (extending the code to online content) or those in which government is separately involved (gambling ads). So it appears the knockback was all about alcohol. This is because the code would have extended the M time zone during the day in place of the more restrictive environment when only PG, G or C classified programs can be shown. ACMA said it ‘is not satisfied that the revised code would provide appropriate community safeguards’, with this decision attracting support from some in the community sector, including the Foundation for Alcohol Research and Education (FARE), the Australian Research Alliance for Children and Youth (ARACY) and Children and Media Australia, who issued a joint [media release](#).

The reference to ‘appropriate community safeguards’ is interesting because that’s really the only significant mechanism ACMA has for rejecting a code and it was ACMA’s understanding of community expectations about those nine topics including accuracy and fairness and disclosure of commercial arrangements that led it to issue its 2022 paper calling for change.

This is not easy territory to navigate, especially since the commercial broadcasters have been under such commercial pressure from loss of advertising revenue and declining audiences. And ACMA’s rejection of the Free TV code is itself somewhat historic, showing a marked difference from past practice and perhaps marking a change in how it regards its role in the co-regulatory landscape.

More on that in a future newsletter. For now, there’s a question over where all this ends. ACMA based its decision to reject the commercial TV code on emerging evidence concerning harm to children and said it would now be ‘commencing a body of work to assess the suitability of alcohol advertising restrictions in the current code, including exemptions for sporting events’. ACMA said that if this work establishes the current code is not providing appropriate community safeguards, it will step in and make a program standard on the matter. That means the old code continues, at least for the present and

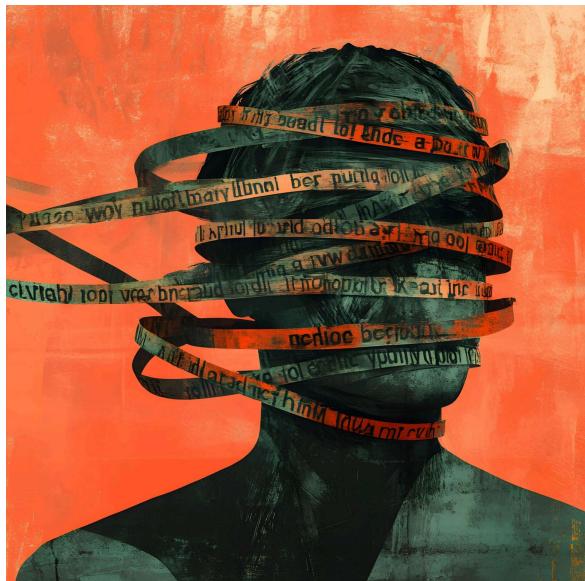
until ACMA makes its own rules on alcohol ads – or, perhaps, the industry offers a renewed version of the code with new provisions that do address ACMA's concerns about alcohol ads.

But it might be argued that ACMA's previously expressed views, supported by its research into community expectations, might lead us to question whether the code is providing 'appropriate community safeguards' on the *other matters* under discussion here, including the news and current affairs rules. It looks like the old news rules just stay put.



Derek Wilding
CMT Co-Director

Sticks and stones



In another win for X Corp, the Administrative Appeals Tribunal has torn up eSafety's takedown notice over a post by Canadian activist Chris Elston. The post misgendered Australian *adult* Teddy Cook, linked to a Daily Mail story featuring Mr Cook and suggested that trans people belong in psychiatric wards. Offensive? Certainly. But was it 'cyber-abuse material targeted at an Australian adult' under the Online Safety Act 2021 (Cth)?

Section 7 sets a two-step test:

1. Intention element – Would an ordinary reasonable person think the poster was likely intending to cause serious harm?
2. Offence element – Would that same ordinary reasonable person, in the adult's shoes, find the post menacing, harassing or offensive?

The intention element carries particular weight. Deputy President Damien O'Donovan wrote that without it, section 7 becomes 'a broadly available censorship tool based on emotional responses'.

When addressing the issue of intention, O'Donovan first had to ask: what evidence can the 'ordinary reasonable person' consider when making a judgement? eSafety wanted the Tribunal to keep the lens tight: the tweet, the Daily Mail link and whatever context a casual scroller would see. O'Donovan disagreed. He reasoned that because the Act creates a

complaints-based investigative regime with coercive powers, the ordinary reasonable person can review all lawfully obtained evidence: sworn statements, analytics, prior conduct, expert affidavits—everything.

After addressing issues around the definitions of ‘likely’ and ‘serious harm’, O’Donovan concluded that on the given evidence, the hypothetical ordinary reasonable person would not think it more likely than not that Elston’s purpose was to cause Cook serious harm. He observed there was no direct tagging of Mr Cook, that Elston had never heard of Cook prior to the media story and that the post was not targeted since Elston routinely misgenders trans people; this tweet echoed his general activism.

The intention element failed, and without it, the post could not be classified as ‘cyber-abuse material targeted at an Australian adult’.

What can we take away from this decision? Proving intent is notoriously tricky. Serious harm is also a high bar to reach.

Targeting, such as a named @-mention or hashtag aimed at the complainant, will weigh heavily on intention. Its absence here mattered. Elston was plainly unfussed about any hurt feelings, yet indifference is not the same as intent to inflict serious harm.

Parliament also set out with the notion that adults wear a thicker skin. Only when content crosses ‘well beyond reasonable commentary or expression of opinion and into the realm of intentional, serious harm’ does a takedown power bite.

An obvious question is the suitability of the ordinary reasonable person test in this provision. The Tribunal reasoned that the investigatory powers suggest any gathered information should be available to the hypothetical decision maker. Yet this makes for a very informed ‘ordinary reasonable person’. It was interesting that eSafety argued against including all the contextual material they can gather under their powers. While a narrow approach may occasionally suit the facts, as X’s counsel noted, ‘See you in Melbourne tonight, darling’ means something very different when the poster is a known abuser and the recipient is in hiding.

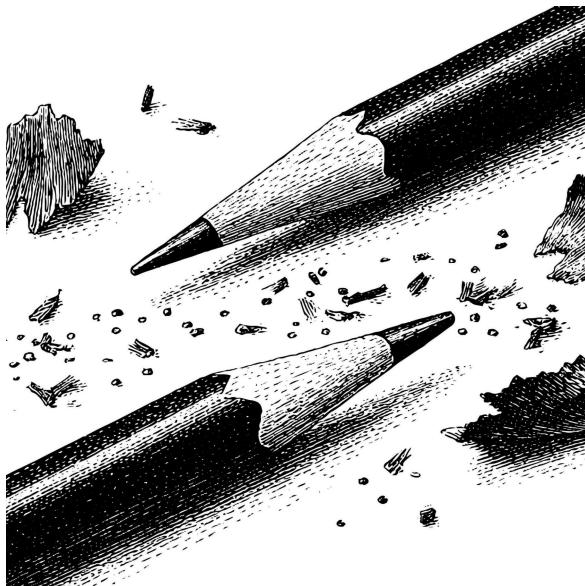
For now, context is king. The ‘ordinary reasonable person’, with all the knowledge arising from a regulatory investigation, remains the gatekeeper between deeply offensive speech and cyber-abuse material under Australian law.

P.S. If you’re interested in the ongoing history between X and eSafety, you can read [more here, here and here](#).



Kieran Lindsay
CMT Research Officer

Drawing the line



Satire is a potent 'mixed dish' – part entertainment, part outrage; part reality, part fiction. It thrives on simplification and exaggeration and often navigates the fine line between laughter and discomfort. As a part of my PhD research on satirical representations of political leaders, I interviewed several exceptionally talented cartoonists from around the world. Kevin 'KAL' Kallaughier was one of them, a two-time Pulitzer Prize finalist, the first in-house political cartoonist for *The Economist*, and the creator of over 10,000 cartoons and

more than 150 magazine covers published worldwide over nearly five decades. Last week, Kevin Kallaughier was [abruptly dismissed](#) from *The Baltimore Sun*, where he had worked as an editorial cartoonist since 1988.

The official reason provided by the paper was a [cost-cutting move](#). However, Kallaughier, known for his sharp '[grotesquerie](#)', suspects his termination was politically motivated, after *The Baltimore Sun* was purchased by David D. Smith, the executive chairman of the conservative-leaning Sinclair Broadcast Group.

Kallaughier recounts a meeting at Sinclair's headquarters in December 2024 where Smith discussed a plan to hire a cartoonist who would be restricted to solely local matters and complained about the paper's '[ultra-liberal cartoonist](#)', apparently unaware he was speaking to Kallaughier himself.

'The thing about being a cartoonist is that a single speck of sand, if it gets into the eye of a target that you're trying to get, it really bugs them a lot. This is the reason why cartoonists and satirists are sometimes the first people that get clamped down around the globe by any society that wants to be authoritarian,' Kallaughier mentioned during our conversation back in August 2021.

At the time, he stressed that he was 'often given a little more leeway' than other cartoonists, owing to his 'reputation as an opinion person'. But in 2024 things began to shift, as Kallaughier sensed his role was becoming increasingly precarious – a development that reflects broader patterns of newsroom restructuring and growing pressure on editorial cartoonists.

In May 2023, a renowned British cartoonist Martin Rowson faced intense [backlash](#) after publishing a *Guardian* cartoon that was widely criticised for invoking antisemitic tropes, prompting an immediate apology despite Rowson's stated lack of intent. In February 2025, a controversial Jeff Danziger [cartoon](#) at *The Palm Beach Post* led to the firing of an editorial page editor amid accusations of antisemitism. Two weeks ago, Turkish *Leman* magazine's Dogan Pehlevan was arrested over a [cartoon](#) accused of blasphemous depiction of the Prophet Muhammad. Earlier this year, Pulitzer prize-winning cartoonist Ann Telnaes announced her resignation from *The Washington Post*, citing an editorial decision to scrap a [cartoon](#) that included Post owner Jeff Bezos, Mark Zuckerberg, Sam Altman, Patrick Soon-Shiong, and Mickey Mouse bowing to Donald Trump.

In Australia, satirical content has occasionally been at the centre of legal and public controversy. In 2016, [Bill Leak's cartoon](#) in *The Australian* depicting an Aboriginal man forgetting his son's name sparked a national debate about the balance between freedom of expression, satire, and racial vilification. A complaint under Section 18C of the Racial Discrimination Act was filed but later dropped. In 2019, Mark Knight's [caricature of Serena Williams](#) in the *Herald Sun* after her US Open outburst drew widespread international criticism for perceived racism and sexism. Although no formal legal complaint was filed, the cartoon was reviewed by the Australian Press Council, which compelled conversations about ethical standards in satirical illustration.

These conversations are ongoing. Satire and parody are strongly protected as free speech under the US First Amendment, with the Supreme Court affirming editorial cartoons' essential democratic role in the [Hustler v Falwell](#) (1988) case and emphasising the need to protect 'vehement, caustic, and sometimes unpleasantly sharp attacks' on government and public officials. In contrast, Australia provides more limited and conditional protection, with the High Court recognising an implied freedom of speech only within the context of political communication, as established in [Theophanous v. Herald & Weekly Times \(1994\)](#).

Protecting cartoonists who operate at the intersection of journalism, satire, and political commentary is a complex and increasingly urgent challenge for a robust democracy.

'If we're being harassed and pressured not to aim our pens critically, we won't be able to call ourselves editorial cartoonists much longer – we won't be able to create anything but mushy, uncontroversial drawings', warns [Ann Telnaes](#).

And beyond politics, there's the human dimension of satire. As Martin Rowson puts it: 'It's not about them – it's about us. The purpose of political cartoons is not to change the way politicians behave or to make them resign in terror. It's to allow us to laugh... The point of satire is to make life bearable'.

If that space disappears, we lose more than cartoons – we lose a vital mirror on ourselves.



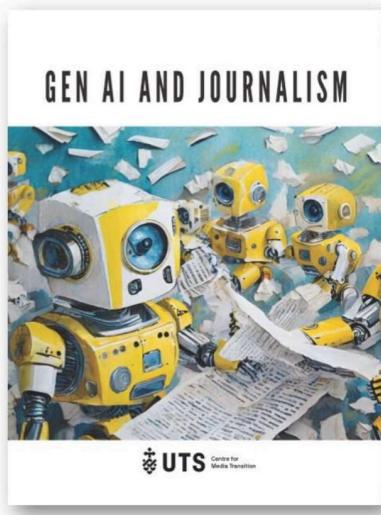
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We hope you have enjoyed reading this edition of the *Centre for Media Transition newsletter - Broadcast bans, online wins and cartoonist losses - Issue 12/2025*
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