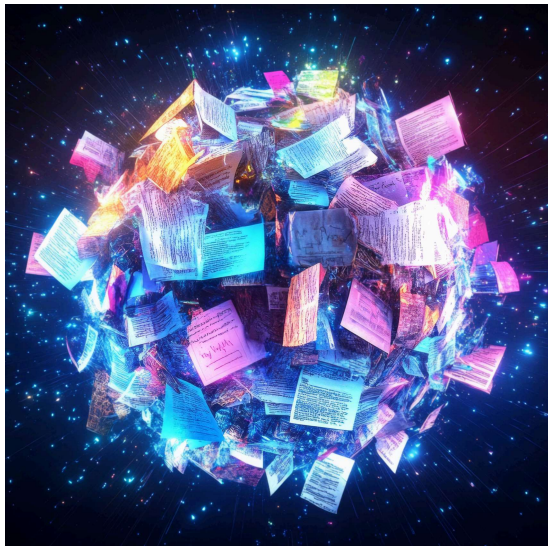**UTS**

Centre for Media Transition

Hi there

World in transition

The CMT newsletter has been on summer break, but the events we cover have been rolling on at breakneck pace. This is especially true in the US, where we've seen the Pentagon's press-corps 'rotation' program shuffle the New York Times out and Breitbart News in, along with the systematic dismantling of fact-checking on Facebook and Instagram.

Here in Australia, Antoinette Lattouf's case against the ABC has been receiving saturation coverage. The decision of the Federal Court might help us to see things more clearly but the daily hearings seem to have exposed one misstep after another by the national broadcaster. In amongst the craziness, there's even some overlap in the observations of Chris Kenny in The Australian and Linton Besser on Media Watch: both question the decision to hire her as well as the decision to fire her. As I've said before I also take this position.

Receiving far less attention is one of the most important regulatory developments caught up in the whirlwind end to 2024. This the announcement from the Assistant Treasurer and the Communications Minister that the News Media Bargaining Code would be supplemented with a news bargaining 'incentive' that would take the form of a tax imposed on certain digital platform services if they don't offer financial support to news providers. We'll be addressing this at an event next month – details at the end of this newsletter.

And another important development for us was the release last week of Delia Rickards' Report on the Statutory Review of the Online Safety Act. The report's findings provide the basis for another government announcement in December that it will develop a proposal

for introducing a digital duty of care into the Act. This is a really significant move. It's something we supported in our submission to the review last year, and we'll do more work on this in 2025.

To help make sense of some of last year's top issues, we've published Sacha Molitorisz's 'Year in Transition' podcast, the last in our Double Take series from 2024. Sacha talks with ACMA's former Deputy Chair, Creina Chapman, and former Media Watch host, Paul Barry, about the state of news media in Australia and how some aspects might be regulated.

In our stories below, Michael looks at Meta's decision to end fact-checking in the US and what this means for the role of the Facebook Oversight Board, while I consider the regulatory gap that allows Nine to pull its local news service from Darwin. Also in this issue Dr Susanne Lloyd-Jones, who joined the UTS Faculty of Law last month from UNSW, looks at how journalists and law-makers might need to brush up their act on cyber security. And we introduce Dr Alena Radina – our new Postdoctoral Research Fellow – who tells us about her research interests and background.

As usual, we'll rotate the editorship of our newsletter among the CMT team throughout the year. Thanks for joining us on what promises to be a wild year of transition!

Derek Wilding
CMT Co-Director

Blowing in the wind

How to deal with online misinformation is one of the most fraught problems we face in contemporary media. Australia knows this all too well from the debate that surrounded the government's failed attempt to introduce the Combatting Misinformation and Disinformation Bill last year. Any attempt to regulate misinformation must contend with the need to protect freedom of expression, but it must also contend with the fact that digital platforms themselves restrict freedom of expression through their own content-moderation policies, and often do so in a way that lacks transparency and consistency.

With its stronger constitutional protections for free speech, the US has never seriously considered regulation to address misinformation. But constitutional

protections don't apply to private companies, which under Section 230 of the Communications Decency Act have the discretion to impose content policies as they see fit. This should mean that these policies are, at least in principle, protected from political influence. But Meta's announcement in January of changes to its content policies – including that it would abandon its fact-checking program in the US – shows that discretion can easily sway with the political wind. In a statement on the changes, Mark Zuckerberg said that the US election result signalled a 'cultural tipping point towards once again prioritising free speech'. This is reinforced by the fact – sometimes missed in coverage of the announcement – that the changes apply, at least so far, only in the US.

Critically, the fact-checking program, instated shortly after the 2016 US election, operates at arms-length from Meta's platforms, with decisions about misinformation devolved to independent organisations certified by the International Fact-Checking Network (IFCN). In this way, Meta effectively transfers its discretion to fact-checkers and avoids being the arbiter of truth. Fact-checkers use journalistic verification techniques, including expert consultation, to arrive at their decisions. This connection with journalism and reliance on experts distinguishes it from crowd-sourced moderation such as community notes, which Meta will move to in the US in lieu of the fact-checking program. It also exposes fact-checking to perceptions and allegations of elite-driven bias. This may undermine both the effectiveness and legitimacy of expert fact-checking as a content-moderation tool, whether the bias is real or not.

In 2020, Meta further devolved its power over content with the creation of the Oversight Board. The Oversight Board is an independent body which considers escalated appeals on critical matters and makes policy recommendations to Meta. The board is managed by a trust and financed by an endowment from Meta. Since its inception, the board has overturned Meta's decision in 78% of cases that it has taken on, and its recommendations have driven Meta towards greater transparency and consistency in its policies and decision-making.

Interestingly, its explicit commitment to human rights principles has often seen the board promoting greater protection of free expression than Meta's own policies and decisions, particularly in the area of political discourse. Indeed, shortly after Meta's announcement that it would abandon fact-checking in the US, the board issued a statement which, although circumspect, welcomed the decision and echoed Zuckerberg's concerns about perceptions of political bias.

The potential for the apprehension of bias means moderating online content will always be difficult. But independence from both government and unchecked platform discretion is critical. The Oversight Board provides this independence, but there is nothing standing in the way of Meta abandoning that project as well, at least in the US. In the EU, by contrast, the winds are blowing the other way. In October, the Oversight Board Trust announced the establishment of the Appeals Centre Europe, an independent dispute-resolution body that extends to YouTube and TikTok as well as Facebook. The body has been recognised under the Digital Services Act, which places general transparency and accountability obligations on very large platforms.

In the absence of such legislation, it seems very unlikely that we will see genuinely independent and accountable decision-making from digital platforms that can resist changes in political winds. Australia would do well to take note.

Michael Davis
CMT Research Fellow

Is cyber security failing journalism?
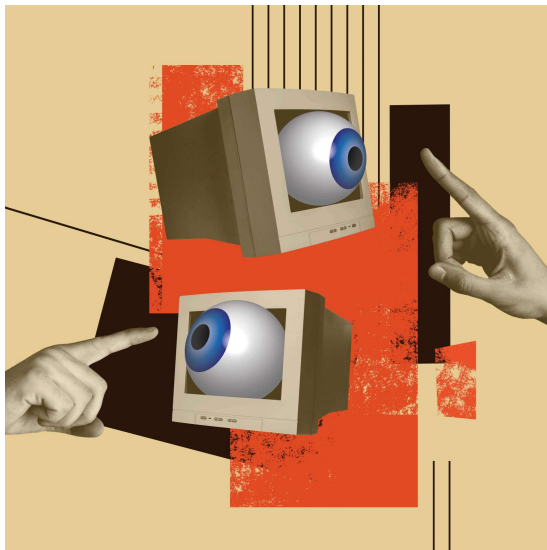
Cyber security often makes the news thanks to data breaches, high-tech police busts of criminal networks and debates over end-to-end encryption. Journalists regularly report on cyber security, including investigating the causes of data breaches, tracking policy and political debates, and covering new developments in digital technologies and electronic surveillance.

Arguably, journalism is doing a lot for cyber security. In fact, recent research shows media reporting was a driver of board-level engagement with cyber security issues in organisations. But what is cyber security doing for journalism and more importantly, is cyber security failing journalism?

Cyber security intersects with journalism daily. Journalists use a wide range of devices to do their work and protect their sources including mobile phones, computers, cloud products and services, enterprise and standalone software, databases, encrypted messaging apps such as Signal, ProtonMail and SecureDrop, and other digital products. Journalists also face personal cyber security threats, such as attempts to install malware and spyware on their devices, phishing and ransomware attacks and scams. Newsrooms face broader challenges related to digital surveillance and data privacy because of state-sanctioned technical interventions, software vulnerabilities and growing reliance on external cloud platform infrastructure.

While many journalists have reported extensively on cyber security breaches and threats, researchers from Deakin University and the University of Dundee found journalists' own practices to protect themselves and their sources were lacking due to lack of knowledge, support and training. The researchers outline the relationship between cyber security and journalism in Australia and Scotland in the context of surveillance of Australian and Scottish journalists and their sources. The researchers asked journalists in both countries how they practise cyber security, and both reports make recommendations for improving those practices to protect journalists and their sources. It is evident that the cyber security

of journalists requires further inquiry.

Journalists using digital products and services need excellent 'cyber hygiene' to avoid unlawful surveillance, security and law enforcement overreach and identification of their sources. According to the journalists interviewed by the researchers, their cyber security practices were often self-taught, learned on the job or gleaned from colleagues. This presents a potentially serious skills gap that exposes journalists and their sources to surveillance and interference. Media companies may roll out their generic internal cyber security awareness for employees, but do they need special programs and training for journalists to protect themselves from harms in the cyber realm and most importantly, are they able to lawfully protect their sources with good cyber security tools?

It is timely to revisit cyber security and journalism. A recent Independent National Security Legislation Monitor consultation on legislation that impacts the work of journalists has brought the cyber security practices of journalists into sharp focus. Watch this space.

Susanne Lloyd-Jones
CMT Research Associate

Their news is your news up North
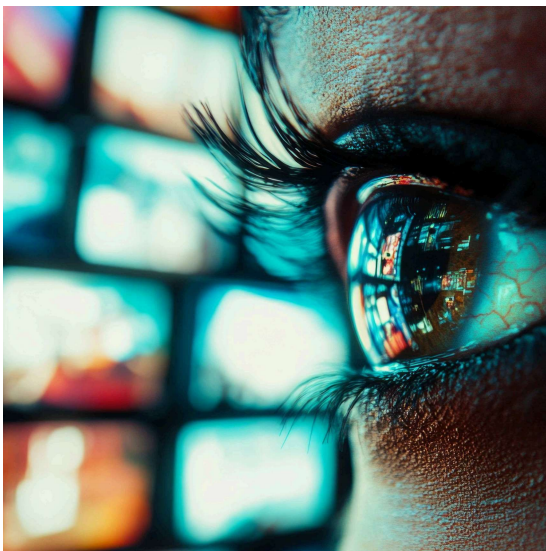
In a powerful first program for its new presenter and production team, Media Watch showed how the Nine Network has pulled the pin on almost all local news in Darwin. In a statement explaining its decision, Nine said that it was retaining a reporter and camera operator in Darwin 'to tell the Territory's stories to a national audience'. Media Watch said that, in practice, people in Darwin will get a bulletin made for Queensland audiences.

This decision by Nine looks like it might come with some regulatory risk. After all, commercial broadcasting is a heavily-regulated sector: there are rules requiring licensees to offer Australian content and children's programs and captioning, rules limiting gambling ads and rules explaining how programs must be rated and when they can be shown. And there *are* some local content quotas that apply in regional areas but they don't apply to Nine in Darwin.

So is this a result of media reform designed to help local services cope with the competition from international players and digital platforms? No, and if we want to understand where the problem lies, we need to go back further – to the 1990s, in fact.

Before the introduction of the Broadcasting Services Act in 1992, broadcasters were required to provide an 'adequate and comprehensive range of services'. This was a serious obligation that broadcasters had to demonstrate at each licence renewal. Even then, the regulator of the time, the Australian Broadcasting Tribunal, took into account other services in the area. Then in 1992 legislated licence conditions established that a broadcaster only needs to 'contribute to' the provision of an adequate and comprehensive range of broadcasting services in the licence area. The Explanatory Memorandum to the 1992 Bill makes clear this does not require each licensee to provide a service that is itself adequate and comprehensive.

As a result, there's nothing to stop a commercial TV service ditching its news service altogether, provided it's not otherwise affected by regional local content obligations.

In asking whether this is reasonable, we might consider all that's been done – much of it with good reason – to address the impact of digitisation and internationalisation on local media. This includes the repeal of the cross-media rules, a reduction in licence or spectrum access fees and the pulling back of Australian drama rules. And this has been done while simultaneously offering state subsidies and passing laws aimed at redirecting advertising revenue from digital platforms to news producers.

Nine's move in Darwin does not, of itself, invalidate these initiatives to support commercial TV. But the absence of an obligation to broadcast your own news programs now seems like something of an oversight.

Derek Wilding
CMT Co-Director

A quick hello

I am a Russian-born academic who has joined CMT as a Postdoctoral Research Fellow this February. My interests are political communication, multimodal instruments of media power, and agenda setting with satire.

In my PhD, I examined satirical representations of political leaders, including Xi Jinping, Vladimir Putin, and Donald Trump. I investigated why illustrators and editors deploy certain stereotypical signs and frames more than others, and how

political satire and caricatures contribute to othering, (dis)empowerment, and soft power loss or gain. I hope to continue developing this research alongside CMT to better understand the regimes of authoritarianism in today's world and to chart media representations and audience responses to these 'strongman' figures.

My upcoming projects are:

- 'Benign, Malign, and Tolerable: Authoritarianism across "The Spectrum of Likeability"' – a further exploration of representational strategies used to distinguish good from bad autocrats
- 'Vladimir Putin's Semiotic Lifecycle: From the Great Unknown to Adversary' – a study of stereotypes to trace which elements have been discontinued or reused in a snowball effect to change the perception of the leader
- 'My Job is to Give Offence and Make Life Bearable: Illustrator Perspectives on Satire and the Difference Between Eastern and Western Magazine Coverage' – a research paper focusing on illustrator perspectives of satirical magazine coverage.

At CMT, I will contribute to studies of advocacy journalism, particularly in coverage of Israel-Gaza and Russian-Ukraine conflicts, along with other aspects of CMT's research on contemporary journalism standards.

I am looking forward to advancing the research objectives of CMT and sharing media updates and research news with you in the upcoming newsletters.

Alena Radina
CMT Postdoctoral Fellow

The future of Australian news and journalism

On the 18th March, CMT and the IIC Australian Chapter are holding the live event 'Securing the Sustainability of News and Journalism in Australia'.

The future of public interest journalism continues to be in the spotlight as Australia seeks to navigate questions of sustainable media business models in the context of changing consumer behaviours, advertising trends, the threats of mis- and disinformation and the impacts of artificial intelligence. This event will bring together diverse voices to explore the efficacy of current and potential policy and regulatory interventions. The discussion will be shaped by the 'Finding a way forward for Australian

News: An examination of local and international regulatory interventions' research paper, jointly funded by the UTS Centre for Media Transition and the IIC Australian Chapter.

Event Details

📅 When: Tuesday, 18 March 2025
               12pm — 1.45pm
📍 Where: Holding Redlich, Level 65/25 Martin Pl, Sydney

Register here

A light lunch will be served from midday to 12.30 pm

Confirmed Speakers:

Julie Eisenberg - Author, Finding a way forward for Australian News
Lenore Taylor - Editor, Guardian Australia
Professor Allan Fels AO - Chair, PIJI

Moderator:

Ian Robertson AO - Partner and Chair, Holding Redlich

Additional speakers to be announced soon! We hope to see you here.

Alexia Giacomazzi
CMT Events and Communications Officer

We hope you have enjoyed reading this edition of the *Centre for Media Transition newsletter | Fact at Meta, News at Nine, Cyber security | Issue 1/2025* **ISSN 2981-989X**
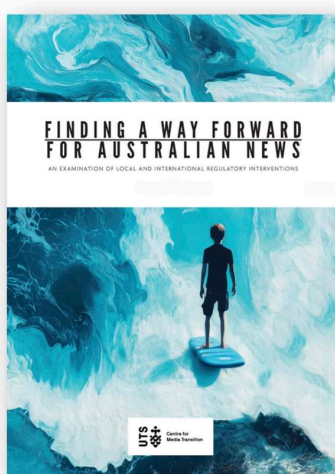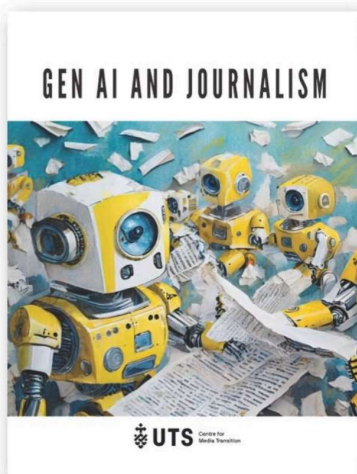
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FINDING A WAY FORWARD FOR AUSTRALIAN NEWS
AN EXAMINATION OF LOCAL AND INTERNATIONAL REGULATORY INTERVENTIONS

REGIONAL NEWS MEDIA

The Centre for Media Transition and UTS acknowledges the Gadigal and Guring-gai people of the Eora Nation upon whose ancestral lands our university now stands. We pay respect to the Elders both past and present, acknowledging them as the traditional custodians of knowledge for these places.