

Centre for Media Transition



Hi there

The CMT view of NBI



As we mentioned in our last newsletter, CMT has been busy writing submissions to government on its proposed News Bargaining Intensive scheme. In this newsletter we share our submissions with you.

CMT has long advocated for mechanisms that can put public interest journalism on a surer financial footing. With the diminishing scale and scope of legacy media newsrooms, and the alarming contractions in regional journalism across Australia, the

fourth estate has looked, at times, like it is facing an existential crisis.

In November 2025, the government released a consultation paper on the successor to the News Media Bargaining Code (NMBC) which managed to inject an estimated \$200-250 million into newsrooms for three years, until Meta [announced](#) it would no longer pursue commercial deals with news companies. In response, government [announced](#) it was pursuing what it called the News Bargaining Incentive (NBI), a scheme which imposes a levy on applicable search and social media services but allows them to offset these

charges through ATO deductions. In March this year, draft legislation for the NBI was released along with a consultation paper on how the money collected by the levy would be distributed.

CMT's view on the draft legislation is that there is a more effective approach than that being considered by government. We believe the NMBC should be repealed, and the new scheme ought not be based on commercial deals between platforms and media companies. Rather, CMT believes a fairer approach would be to impose the mandatory levy on the digital platforms and distribute levy funds to eligible news media businesses via an arm's length body. But CMT also recognises government is likely to proceed with the core parts of its scheme, for a [range](#) of reasons, and we have therefore suggested ways to improve the legislation. Among those measures we suggest that each digital platform enter into a baseline number of deals or for a sliding scale of the minimum number of deals which increases with the size of the charge payable. This would avoid the proposal's risk that it might worsen media concentration – by facilitating a very small number of deals with the largest players – rather than increase sustainability and diversity. You can read our submission [here](#).

CMT also reviewed the Department of Communications distribution [proposal](#), and suggested a number of changes including the removal of the revenue threshold that applies to smaller news businesses, as it did under the NMBC. We also suggest the removal of the capacity for larger media businesses to 'double dip' by doing commercial deals with digital platforms and then claiming via the levy fund, if the platforms have not offset their entire liability via the deals and indeed funds are available to disburse. We would also like to see requirements and transparency on how funds are used and periodic legislative review on how the scheme is operating which would provide room to move as the media environment continues to change. You can read our submission on the distribution mechanism [here](#).

And now to Derek Wilding – and his analysis of a new quandary for journalism – when a victim of sexual abuse opts to be named by just one journalist at one media outlet.



Monica Attard
CMT Co-Director

Navigating the naming of victim survivors



The week after next a man in Victoria will be sentenced for crimes committed against two schoolgirls in the 1980s. Suppression orders preventing his identification were lifted in December when he was convicted, so news media will be able to name him. But when he's sentenced on 16 June, reporters will need to navigate another aspect concerning the man described as "Australia's worst ever sex offender": a previous victim – in fact, his own daughter – has told her story in her own name to national media but only given consent for

one journalist to name her.

The matter raises an interesting question of law and ethics. This question even extends to the way I write about the matter here. For reasons explained below, I'll refer to the perpetrator as "Martin Johnson" and to his daughter, the victim survivor, as "Jaye".

Martin Johnson has already been in prison for over 10 years. He's serving a 48-year sentence for horrendous crimes committed in New South Wales against Jaye and another of his daughters. Despite this, his identity was concealed until the judgment in the Victorian case was delivered in December. His name was revealed in an article published on news.com.au by Nina Funnell, a journalist, victim survivor and advocate for law reform, alongside an article by Jaye herself, using this pseudonym. This appears to be the first time she wrote publicly about her experience, and in it she argues against the contempt laws and suppression orders that had, until then, prevented her from telling her story.

Then in March this year, Funnell published a further article in which Jaye's own identity was revealed. This was done with Jaye's consent – indeed, Jaye spoke to Funnell and recorded a YouTube video to accompany the publication of the article. This is when she used her real name for first time. The video is a powerful reclaiming of her own life and story from the parents who sexually abused and tortured her. (Jaye's mother, "Susan Johnson" was also convicted and is serving a 16-year sentence.)

But in the March article Jaye and Funnell also condemn the treatment of Jaye by another journalist, Richard Guilliat, from The Australian. In 2023 Guilliat published the podcast series, [Shadow of Doubt](#), about the case against Jaye's parents. This is where the names

“Martin Johnson” and “Susan Johnson” come from. Guilliat used pseudonyms for all involved, referring to Jaye as “Emily Johnson”. The podcast explored aspects of the family history, the treatment Jaye received at psychiatric facilities, the convictions secured against Martin Johnson and Susan Johnson, and the unsuccessful appeals against their convictions. Jaye and Funnell spoke of the additional mental harm the podcast caused Jaye, and especially the impact of having records of Jaye’s counselling sessions made available to Guilliat when he obtained access to the court documents. Jaye said, “My privacy, my progress and my healing was shattered.”

As Amanda Meade in Guardian Australia has reported, there has been a rare and fierce dispute between two News Corp Australia outlets – news.com.au and The Australian – about the merits of the podcast and the accuracy of the articles published on news.com.au. The debate raises serious issues about reporting on victims of sexual assault, with Jaye presenting compelling arguments for the conviction of her parents and explaining how the podcast further harmed her mental health. On the other hand, Guilliat, in the podcast and in an [article](#) refuting the accusations made against him, presents a compelling argument for why the seeming irregularities in both the psychiatric care of Jaye and the legal representation of her parents deserve scrutiny.

I find it hard to reach any firm opinion other than Martin Johnson is a sexual abuser and Jaye has suffered enormously. In fact, Guilliat himself advances this position, but he also raises doubts – refuted by Jaye – about some factual aspects of the case and the way in which the convictions were achieved. So, setting aside these bigger questions in the dispute between the two News Corp mastheads over whether the podcast should have been published, there is still the question about how the media can refer to Jaye.

As noted above, Jaye used her real name in the articles and video published on news.com.au in March. But when The Australian published the article by Guilliat refuting the criticisms, as well as a short accompanying [editorial](#), it used the pseudonyms Guilliat had been using since 2023. This is where the law comes in. Section [578A of the NSW Crimes Act](#) prohibits publication of matter that identifies the complainant in certain sexual offence proceedings. There are exceptions, including where a complainant who is over the age of 14 at the time of the offence gives consent to the publication. I’m observing this prohibition when I write about the matter here, and this is why I’ve adopted the pseudonyms used by Guilliat – except that I’ve substituted “Jaye” for “Emily” because that’s the name she herself chose in December. Even though Jaye told her story in March using her real name, I don’t have her consent to do that myself. It seems that only news.com.au and Nina Funnell have consent to use Jaye’s real name.

In fact, the difficulty goes beyond a lack of consent because the complainant here has *explicitly withheld* consent for publication by anyone else. The December 2025 article by

Funnell ended with the statement, “Jaye has given her written, signed consent for Nina Funnell and news.com.au to partially identify her. This form of tailored consent is not transferable to other media.” The scope of that consent seemed to narrow even further in the March 2026 article which stated, “ *[Jaye] gives conditional consent to be named in this article and other articles by Nina Funnell. No other media have permission to name [Jaye] or in any way identify her or other survivors and sexual assault complainants who are connected with this story.*” The square brackets contained Jaye’s real name. The narrowing of the consent suggests that Nina Funnell is the only reporter in Australia who can include Jaye’s name when they write about this matter.

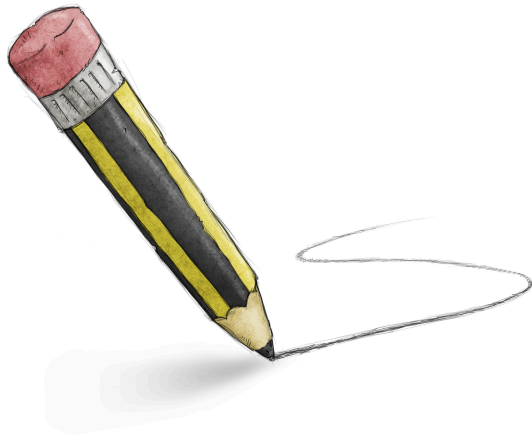
For this newsletter article, I wrote to Nina Funnell to ask her to put me in contact with Jaye to seek permission to identify her. I also asked Funnell how she sees her own role in this, but at the time of publication, I have not heard back. For this reason, I’ve taken the additional step of omitting the real names of Martin Johnson and Susan Johnson, and I’ve removed links to articles that do name them or Jaye.

Most of us are probably aware that there are restrictions on the identification of victim survivors in sexual assault cases, and journalists know to be especially cautious when reporting on these matters because laws vary across states and territories. What I’d never considered before is the situation where a victim survivor takes the initiative to put that information into the public domain, in a national media outlet, and then prevents identification by anyone else. Listening to Jaye has shown how victim survivors might find a way to better insert their own voice and perspective into articles that others write about them. I’m still unsure whether that outweighs the prospects of a survivor deciding who can name them and who can’t, particularly when they are disputing journalism that contradicts or challenges their version of events. It makes journalism a bit more difficult. But I recognise that the only part of this story that Jaye is able to control, at least within mainstream media, is the use of her name, and here she’s used that to tell us something we might not otherwise have heard. Maybe we can respect that, as well as the work of Guilliat?



Derek Wilding
CMT Co-Director

Political cartooning with Kal toons



We have a new Double Take podcast for your listening pleasure!

This month, we pull back the curtain on the modern press to ask the question: What happens when one of the world's sharpest editorial pens meets a media landscape that is actively trying to blunt it? Our post doctoral researcher, Dr Alena Radina sits down with Kevin Kallaugh, the legendary political cartoonist behind some of The Economist's most iconic and globally recognised imagery. Together, they dive deep in a conversation about survival, the

evolution of satire, and the growing dangers of speaking truth to power in an era that has grown increasingly hostile to both.

Kevin traces the volatile shifts of the American press through his own storied career. He reflects openly on his highly publicised departure from the Baltimore Sun and his subsequent pivot to the digital frontier, where he's built an unfiltered line to readers via Substack. Through his personal journey, Kevin highlights a terrifying statistic that should alarm any defender of free speech: the number of full-time staff political cartoonists in America has plummeted from over 300 down to a mere 17.

This dramatic collapse of visual journalism raises urgent questions about the health of democracy and journalism itself. As corporate legal threats mount and cultural polarisation deepens, the space for nuance is shrinking by the day. How do you continue to safely draw the line when the line keeps moving? In a world completely drowning in fleeting hot takes and viral internet memes, discover whether the traditional political cartoon can still deliver the sharpest blow.

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Alexia Giacomazzi



CMT Events and Communications Coordinator

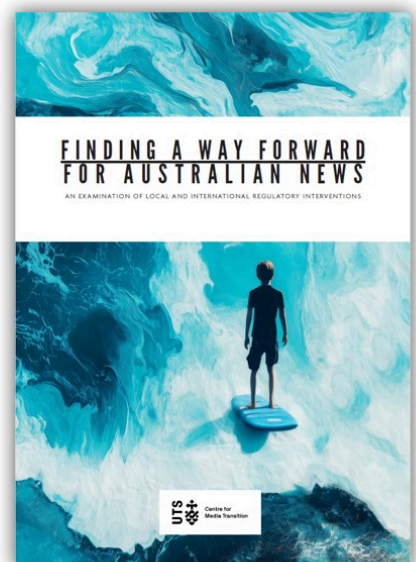
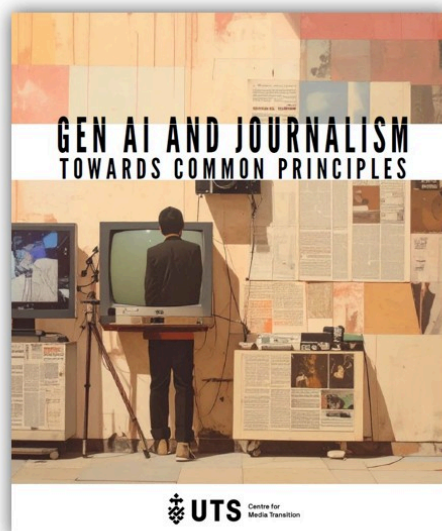
We hope you have enjoyed reading this edition of the *Centre for Media Transition newsletter* - \$\$\$ for news and ?? About consent - Issue 8/2026

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The Centre for Media Transition and UTS acknowledge 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 this land.



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