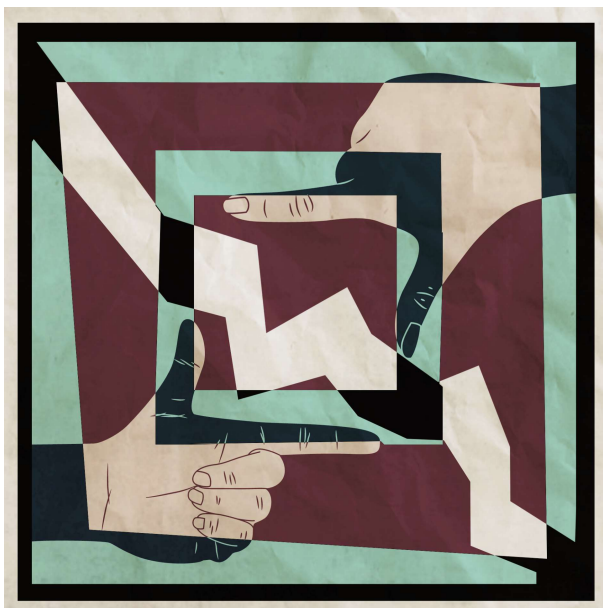


Hi there

When journalists take over the take over



All big, breaking news stories demand context and, perhaps more importantly, a visible effort to stay well away from quickly-penned partisan blame games. This week the fall of Afghanistan to the Taliban demanded this much – and more – of journalism. Did journalism deliver?

The shock and fear at the sheer speed of the Taliban's takeover produced a load of judgment, but also analysis, much of it contextualised and nuanced. In *The Australian*, [Paul Kelly apportioned](#) blame

equally between Donald Trump and Joe Biden, writing: 'This decision is validated by a weary, emotionally and morally fraught America whose backbone is fractured by domestic traumas, such that presidents as different as Trump and Biden came together in unison on betrayal of Afghanistan.' Hard to argue with that.

Cameron Stewart, *The Australian's* National Security writer, noted how easily news media and commentators had conflated the bungled US exit from [Afghanistan](#) and its legitimate reasons to leave the country after a 20-year war that, clearly, it had not won: 'The truth is that the mission in Afghanistan was a blow to American prestige and leadership around the world long before Biden was elected. The failure of the two-decade mission was a slow

litany of mistakes shared among four US presidents and their allies, including Australia.’ Cameron went on to lay the blame squarely at the heel of George W. Bush who, he wrote, ‘-oversaw the disastrous transformation of the US mission in Afghanistan from a short, sharp campaign to dismantle al-Qa’ida bases in Afghanistan immediately after the 9/11 terror attacks into a quagmire of nation-building.’

Over at Nine, much of the commentary was left to non-staffers. Its news lens was focused largely on the speed of the fall and the sense of failure and loss felt by members of the Australian Defence Force who’d done tours in Afghanistan and returned broken and defeated.

In the United States, the stakes are higher. The Americans have suffered more loss of life than we have, committed trillions of dollars to a war they could never win and staked their foreign policy in various corners of the globe on their ability to defeat the brand of terror that the Taliban seemed, at its height, to have perfected. In a deeply-divided country, it’s hard to ignore the unfairness and perils of Fox News’ partisan journalism, which labelled the Taliban’s assumption of power as the “Biden [Doctrine](#) revealed: Hear no evil. See no evil. Stop no evil”.

Even on a story moving a warp speed, journalism calls for context and a commitment to truth rather than politics. Partisan reporting, weakens journalism. Given that it was Donald Trump who laid the groundwork for exiting Afghanistan, perhaps even those of his followers who showed such contempt for journalists during the 2020 election will view Fox’s assertion as hollow.

Keep reading because this week we look at the endlessly fascinating defamation case brought by NSW Deputy Premier John Barilaro against Jordan Shanks, aka FriendlyJordies. Shanks has lost a preliminary fight to use the defences of truth and honest opinion, with Justice Steven Rares in the Federal Court deciding that admitting into evidence specific comments made by Barilaro would breach parliamentary privilege. My co-director here at the CMT, Professor Derek Wilding explores what this means. And Lucinda Beaman of UTS First Draft takes us deep into the murky world of the misleading narratives forming around Covid-19 vaccines – a world where context and a commitment to the truth are in short supply.



Monica Attard
CMT Co-Director

FRIENDLY Jordie: friends and foes



The problem with the legal saga between John Barilaro and Jordon Shanks is that it's hard to like any of the characters.

I've watched three of the Friendlyjordies videos available on YouTube, two of which are the subject of a defamation action by NSW Deputy Premier, John Barilaro. In [this video](#) – not the subject of the litigation – Shanks explains how he is being sued.

Shanks' presentational style is not for me, and his attacks on journalists from *The Sydney Morning Herald* are perplexing. But some of his points about Barilaro are compelling - if he's right, that is. And I guess that will be tested in this action.

As *The Guardian* [reported](#) last week, Shanks is facing a few challenges in convincing the court that he was just giving his opinion and that he got his facts right when making assertions about corruption and blackmail (among other things). [Justice Rares ruled last Friday](#) that Shanks couldn't use what Barilaro said in NSW Parliament in his defence. That's a problem for Shanks because one of the imputations on which Barilaro is suing him is Shanks' statement that Barilaro committed perjury nine times in a Parliamentary committee.

Shanks had sought to have this aspect of Barilaro's claim struck out on the basis that, in order to defend himself, he would need to use the evidence of what was actually said in Parliament. But as he is prevented by law from 'impugning or calling into question the truth of statements made under Parliamentary privilege', he is unable to use either a truth defence or an honest opinion defence (for which truth of any factual claims is also an element). This, he says, places him in an unfair position.

Noting that Shanks' argument would allow a publisher to defame an MP with impunity, Justice Rares not only declined to strike out this aspect of Barilaro's claim; he also said he'd strike out, on this issue at least, any truth and honest opinion defences filed by Shanks! This is one of those situations where different aspects of the public interest compete with each other. Yes, there's a real downside for publishers but, as Justice Rares points out, there are protections for fair reporting on parliamentary proceedings and the use of public documents, and it's hard to argue against the need for parliamentarians to be able to speak freely. Clearly, it pays to be aware – *before you publish* – of the limits of using information sourced from Parliament.

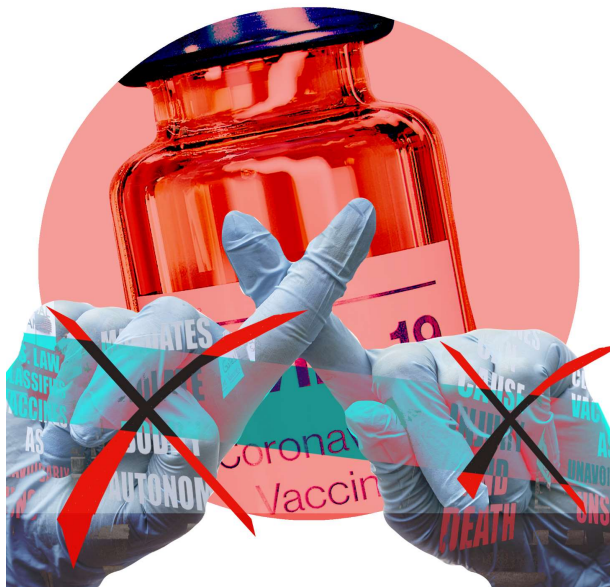
As an aside, while perusing the carousel of Friendlyjordies videos, I noticed a program from May in which [Shanks interviewed former PM, Kevin Rudd](#). This week, Mr Rudd made [a big call](#) in response to YouTube's recent suspension of Sky News videos. He said the media regulator, the Australian Communications and Media Authority, should be abolished.

Maybe I'm a bit narrow in my thinking here, having worked at ACMA, but the idea that a regulator covering all of broadcasting, telecommunications, radiocommunications and some online content should be abolished because of a problem with the pay TV code of practice is a bit OTT (so to speak). These codes are made under legislation that hampers ACMA's ability to respond flexibly to problems as they arise. Fixing this is the responsibility of Parliament, not the regulator.



Derek Wilding
CMT Co-Director

Vaccine sceptics launch project in Australia



As much of Australia rushes to contain outbreaks of the Delta variant and ramp up vaccination efforts, a video highlighting unsubstantiated claims of post-vaccination “adverse reactions” has been doing the rounds and gaining traction on social media. Professionally shot by a film crew and with high production values, it is part of a new Australia-based project with an aim to “raise awareness” about the “reality of the risks” of Covid-19 vaccines.

Since its launch on Sunday, the project has been promoted by MP Craig Kelly, Rod Culleton's Great Australian Party, the Informed Medical Options Party and influencer Taylor Winterstein, among others and as of Thursday, garnered more than 240,000 views on Facebook, Instagram, Telegram and the video platforms YouTube, BitChute and Rumble.

The video includes interviews with people who claim to have suffered adverse reactions to

Covid-19 vaccines in Australia, or to have had family members who have. In one case study, a woman says her 52-year-old husband died from “sudden onset myocarditis” caused by the Pfizer vaccine. As of August 8, the Therapeutic Goods Administration (TGA) had [not recorded](#) any deaths due to myocarditis linked with a vaccine.

The video also presents TGA statistics in a misleading way, falsely claiming the regulator has “reported more than 350 deaths following the COVID vaccine, and close to 41,000 adverse reactions related to the vaccine. Despite all these numbers, not one has been reported on mainstream media.”

The last claim is clearly false, and asserting or implying that all medical events that take place in the period after a vaccine has been administered have been caused by the vaccine is a [common misinformation tactic](#). To [August 8](#), the TGA received more than 48,000 adverse event reports, and reviewed 447 reports of deaths following vaccination. Of those, seven deaths were linked to immunisation, from over 13.7 million doses.

As First Draft [reported recently](#), highly emotive reports of possible Covid-19 vaccine side effects — often unverified — have been used around the world to spread misinformation about the vaccines. Using narratives that evoke strong emotional reactions is a common tactic to stoke fears. The US Centers for Disease Control and Prevention, along with other health bodies around the world, have found the vaccines to be [safe and effective](#).

One of the founders of the vaccine-sceptic project posted on Telegram that the video has already had an impact, having “just saved a loved one from getting the vax”. Given a high vaccination coverage is crucial for Australia to bring the current outbreaks under control, journalists need to consider the [tipping point](#) and be aware of the risk of [amplifying](#) anti-vaccine messages such as this.



Lucinda Beaman
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Image credits: [Rosa Alice](#)

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