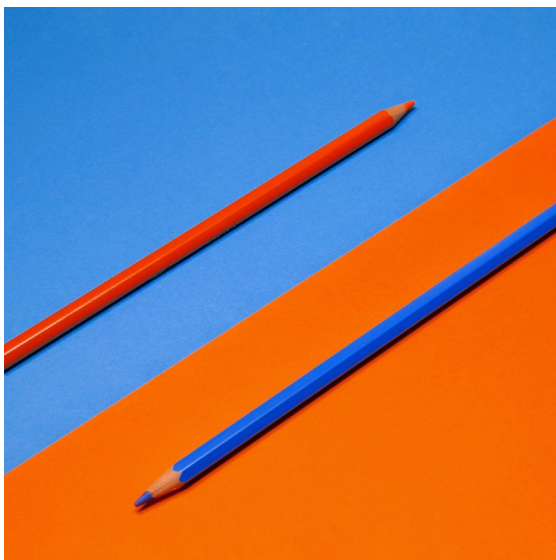


## Centre for Media Transition



Hi there

### Colliding values



Ethics issues abound this week. While we've heard a lot about [Andrew Horner's](#) pursuit of a scoop on Rebel Wilson for *The Sydney Morning Herald*, there's an interesting discrepancy between standards applying to the print/online side of a converged media business and those applying to its broadcasting arm.

For me, this recalls the problem laid bare when *60 Minutes* tried to cover the planned abduction of two Australian children in Lebanon in 2016. For Sacha, the view that

a publication might be 'gazumped' in the public disclosure of someone's sexuality shows the often incomplete understanding that news media has of the right to privacy.

We look at both these aspects below, where Sacha also points to some other dilemmas facing news media in the last couple of weeks – issues that range from ethical expectations to legal obligations. Tim then shows how recent international research has picked up on the kind of unease seen in a [report](#) earlier this week that News Corp is investing more in a tool to gauge content against subscriptions.

From this, we move to another area of unease, as Monica reports on the background to the mass resignation of directors at the Judith Neilson Institute for Journalism and Ideas. Finally, Anne spreads the news about the movement of First Draft into the Information Futures Lab at Brown University in the US and looks at what it means for her team in Australia.



**Derek Wilding**  
CMT Co-Director

## The indignity of gazumping



The word gazump is usually confined to the context of real estate. As [NSW Fair Trading tells us](#), ‘Gazumping occurs when an agent or seller accepts an offer you make to buy a property at an agreed price but the property is sold to someone else.’ On Saturday June 11, however, the term appeared in *The Sydney Morning Herald* gossip column P.S., where Andrew Hornery wrote that Rebel Wilson had ‘opted to gazump the story’ of her new same-sex relationship.

The Herald’s reporting attracted international coverage and condemnation, including from [BBC World](#). To recap: on Thursday, Hornery sent an email seeking comment from Wilson about her new same-sex relationship; on Friday, Wilson posted details of her new relationship to Instagram; and on Saturday, Hornery’s column was published (and subsequently taken down), expressing disappointment at being gazumped.

Gazumped? At issue was a person’s first same-sex relationship. Highly personal, highly sensitive and highly private, sexuality gets to the core of who a person is as a human being. It is inextricably linked to a person’s dignity – even when we’re talking about a celebrity who has deliberately lived largely in public. Even for P.S., short for Private Sydney, surely there are some stories, and some approaches, that should be off-limits.

Actually, this was only one of several instances where journalistic ethics stepped into the spotlight this past fortnight: [three Nine journalists received a dressing down](#) for spruiking online betting and the [ABC’s Lisa Millar apologised](#) for comments she made on-air. And this week [a trial was delayed](#) following the public discussion generated by Lisa Wilkinson’s Logies acceptance speech.

Is there a new crisis in journalistic standards? Hardly. [In 1890, the essay](#) regarded as the very foundation of the modern right to privacy was sparked by the media’s intrusion into the private lives of the well-to-do. Sure, digital media is throwing up new challenges. And it’s certainly true that Australian news consumers are not impressed. As revealed by the

just-published [Digital News Report Australia 2022](#), Australians' trust in news media remains alarmingly low.

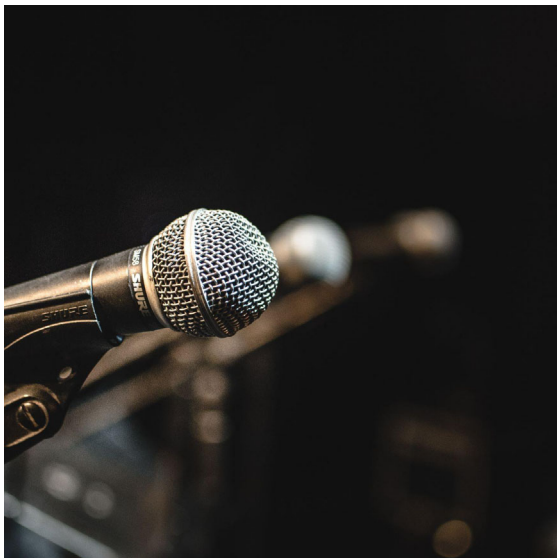
So yes, Australian journalists need to do better. One solution is that Australia needs an overhaul of its news media oversight. We currently have 14 sets of standards to oversee journalists. As [Derek Wilding and I argue in a new paper](#), this is a mess that needs tidying. A second solution is that our newsrooms need to start taking ethics seriously. Journalists and editors need to devote time to reflecting on ethics in practice, and on what constitutes good practice.

In its approach to Rebel Wilson's new relationship, the SMH made several mistakes of editorial judgement. To their credit, Hornery and SMH editor Bevan Shields ultimately apologised, saying they would [learn from their mistakes](#). Hopefully other journalists and news outlets will learn too, that they need to respect the dignity of the people they're reporting on, rather than treating their most private details like property that can be bought and sold.



**Sacha Molitorisz**  
Senior Lecturer, UTS Law

## No convergence on standards



One of the arguments for removing the cross-media ownership rules in 2017 was that local companies need to compete with international media organisations as well as the digital platforms that now distribute their content. Fair enough. Another was that converged businesses offer synergies that lead to cost savings. That makes sense too, even if we never did get the evidence for it.

But this step towards streamlined regulation hasn't been matched in other areas such as journalistic standards. Enter Rebel Wilson.

The conduct of *The Sydney Morning Herald*, including its journalists and editors, can be the subject of a complaint to the Australian Press Council (APC). Among other rules, the APC has a [General Principle](#) that requires publications to take reasonable steps to 'avoid intruding on a person's reasonable expectations of privacy, unless doing so is sufficiently

in the public interest'. Importantly, an inquiry under this principle would look at the conduct of the publication, not just what was published.

But what happens if a reporter on a broadcast arm of the same company (Nine Entertainment) behaves this way? Then, the [rules](#) are set out in the Commercial Television Code of Practice, and the statutory regulator – the Australian Communications and Media Authority (ACMA) – can hear complaints. The approach is quite different. This code covers the *broadcasting* of content about 'a person's personal or private affairs or which invades a person's privacy'. That means any conduct by the reporters and producers in putting the story together is off limits.

This is what happened in a [60 Minutes story in 2016](#). Nine itself paid a 'child recovery agent' that Sally Faulkner hired to snatch her children from the streets of Beirut. Their father had taken them to Lebanon for a holiday but had not returned with them. It all went wrong for the network, with its reporters and crew imprisoned for a period in Lebanon. Despite this, Nine's conduct could not be examined under the media standards that apply to commercial television because Nine never actually broadcast the program.

The Faulkner case revealed a shocking gap in the rules that apply to broadcast journalism. Nine should have been held responsible under broadcasting rules for its conduct in that case. So what if we turn this to the Rebel Wilson scenario and ask what would happen if the attempt to reveal Wilson's sexuality had taken place on *Nine News*, *A Current Affair* or *60 Minutes*? The same rules would apply, and the producer's conduct could not be examined if the network decided not to broadcast the program. Of course, Wilson might still feel the need to get ahead of media coverage by announcing the relationship herself, and the information would then be in the public domain.

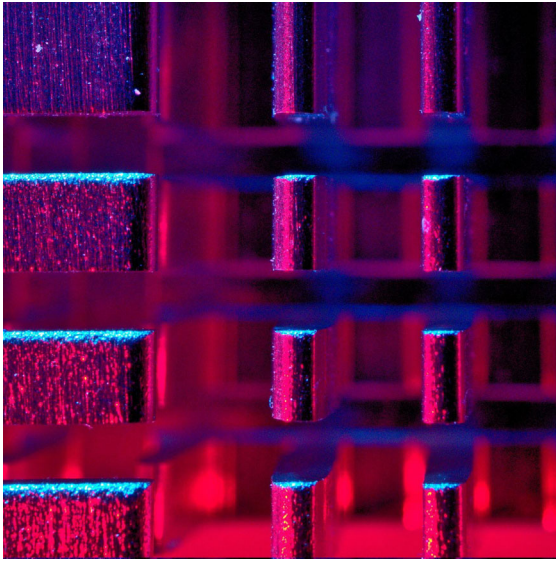
The evidence isn't in on whether Wilson had a reasonable expectation of privacy, but there will certainly be cases where the subjects of media coverage do have such an expectation. Where they do have an entitlement to privacy, and it isn't in the public interest to pursue the matter, they should not be subject to intrusive questions on sensitive matters – regardless of what is ultimately published.

Defensible media standards that apply to the print and online side of Nine Entertainment, Seven West Media, News Corp and others should also apply to their broadcasting side. These companies argued in favour of a cross-media environment when it came to protecting their commercial interests by removing ownership restrictions. They need to step up and address the public interest in better media standards.



**Derek Wilding**  
CMT Co-Director

# Verity's Vicarious and Vicious Virtues



A report in *The Sydney Morning Herald* this week revealed that News Corp is implementing [Verity 2.0 for News Corp journalists](#), an algorithmic tool that ostensibly supports their work. With its Orwellian supervision of journalistic routines, there are concerns about its intervention into journalistic production. Indeed, there is a growing body of research into the impact of such technology on journalism.

The field of journalistic professionalism has seen an [erosion](#) of what was already limited autonomy due to insecure employment and the increasing [consolidation](#) of media, but this has been exacerbated by the technological innovations behind media transition. Journalists told [Hanusch and Tandoc](#) that the way they see their work is impacted by the ready presence of such feedback as analytics and social media, and an investigation by [Neheli](#) found that this orientation was impeding journalistic standards and practices.

That said, journalists have [a history](#) of rapidly taking up technological innovations to complement their professional practices – indeed, as the SMH article noted, other prominent Australian news organisations use similar tools. [Holman and Perreault](#) have suggested that it is part of the role of journalists to be first adopters of technological innovation, and news organisations can drive some of this development themselves.

A more concerning aspect of a tool like Verity is less its existence and more the way in which it might be implemented by news organisations. While [algorithms](#) can seem like mediators of an objective truth, they are enshrining and empowering the sensibilities of their designers and supervisors. In this case, a specifically commercial set of management and editor sensibilities driven by a consumer focus (and not a citizen focus) is being entrenched algorithmically within journalistic routines. It is this ‘big brother’ automated oversight that marks a concerning intervention into journalistic professionalism and a pretty clear counter to journalistic autonomy. It is important to separate the potential utility of the tool from the tyranny of its potentially arbitrary focus. Such innovative facilitations could prove a boon – provided there are safeguards for the crucial role of autonomy in the journalistic profession.



**Tim Koskie**  
PhD Candidate

# The uncertainty of philanthropy



When the Judith Neilson Institute for Journalism and Ideas, or JNI, exploded onto the scene in 2018, the prospect of \$100m being slapped on the table to help an ailing journalism industry was an exciting development. Journalists and editors formed a line outside the door to the office of Institute executive director Mark Ryan. Now, the JNI looks like it's imploding. Lawyers are on board.

Three of the Institute's directors and its chair have resigned, and staff have been

told via email, obtained by the CMT, that Judith Neilson wants to refocus the Institute's activities in a 'way that provides more pro-active support for journalism that drives social change'. Aside from a refocusing of its activities, the philanthropist was also reportedly displeased with a plan to create an Australian Nobel-like prize, which the Institute board had endorsed.

The Institute's funding priorities have often been confusing for those asking for funding. Large news organisations with substantial revenue streams had new positions funded. Some were also alarmed by the Institute's 2021 annual report: the Institute dispersed \$3.02m in grants and spent a whopping \$2.6m on salaries. Now, the philanthropist herself is weighing in.

The internal email tells staff that Neilson wants less focus on journalists and more on social change, a change that will rankle at least those journalists who don't practice advocacy journalism. She's believed to think the news media bargaining code has done a decent job of funding journalists; now it's time to look at audiences and the big issues. This 'may include an increased and more pragmatic focus than what is current on the development of journalism and interest in journalism in youth, regional areas and migrant populations in Australia. It may also include, but not be limited to, a more direct and pragmatic focus on such areas as investigative journalism, photojournalism, grass roots media and enhancing access to quality journalism for those with diverse backgrounds.'

So, the next step is a review to be carried out by Simon Freeman, the CEO of the philanthropist's family office and foundation, to align the Institute's strategy with those of Judith Neilson's other philanthropic interests. For now, journalism remains in the mix, though Judith Neilson herself is [reported](#) to want a say in who gets funding and how the

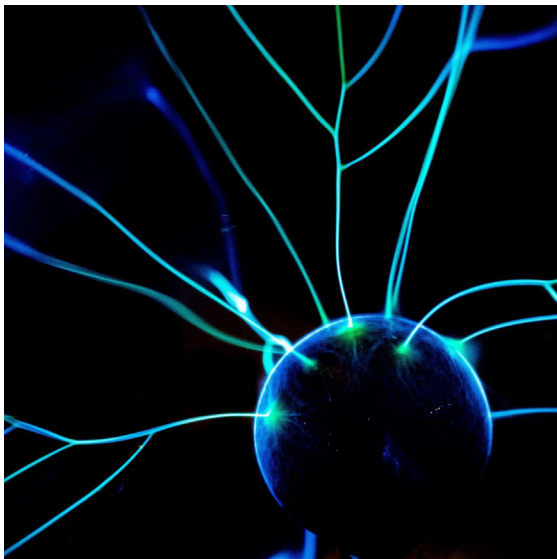
Institute is managed, which raises big questions about independence. And the independence issue will be compounded if the philanthropist proceeds with a plan to appoint more of her own people to the Institute board.

There'll no doubt be lots of nervous editors out there, with their future funding in the balance. Whilst some on the Institute's Advisory Board have signed a letter to Judith Neilson, seen by CMT, urging her to avoid a 'destructive spiral', some haven't, which brings us to the fate of JNI's executive director Mark Ryan. It's as yet unknown.



**Monica Attard**  
CMT Co-Director

## News from First Draft APAC



News from the First Draft APAC team. First Draft is ceasing its activities globally, although the APAC team will continue until the end of 2022 with our work on Information Disorder at the CMT. At the same time, we will also be working with the newly launched Information Futures Lab (IFL) at Brown University. The Lab, at Brown's School of Public Health, builds on the legacy of media verification, journalism education, and innovation pioneered by First Draft in the past six years.

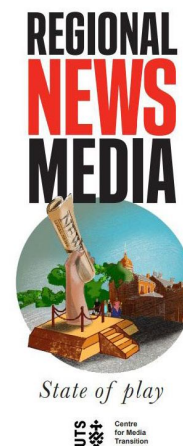
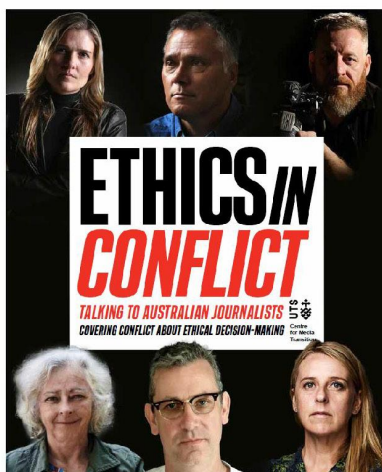
The Lab will investigate the harms of misinformation, data deficits, outdated communications practices, and other barriers to meeting the information needs of communities. Work already under way at the Lab includes a partnership with the World Health Organization to facilitate a global community of Infodemic Communicators who discuss information trends, share best practices, post research, and seek expertise.

We'll be supporting these projects while also working on a 'State of Play' Information Disorder report to be published by the CMT by the end of the year — watch this space!



**Anne Kruger**  
CMT Associate Professor

Please visit our [website](#) for more information about the Centre .



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.



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