Centre for Media Transition

UTS

Hi there

# (Not quite) All about AI



Questions abound over the role of journalism, the impact of technology and the limits of free speech.

Here at CMT we've been wondering about the case for extending the News Media Bargaining Code to recognise the use of news content by generative AI (genAI). In a way, we've been seeking some substantiation of the claim, beyond the – albeit reasonable – self-interest expressed by leading publishers. In a case for compensation that researchers Evana Wright and David Lindsay start to sketch out below, we think we've found the foundation for that argument.

Also on AI, Michael explains the position we've adopted in a new submission on 'Safe and Responsible AI in Australia', and Sacha gives a round-up of contributions to last week's symposium on 'Humanising AI', organised by UTS academic Heather Ford and doctoral researcher, Emma Clancy. Monica considers News Corp's active turn to AI for its local newsrooms, while Chris looks at a different aspect of journalism and technology: the educational background of YouTubers engaged in 'platform journalism'.

While much of our attention is focussed on the ever-expanding topic of AI, commentary on the government's draft Combatting Misinformation and Disinformation Bill increases in volume and in pitch. Debate rages over the role of a government regulator – the Australian Communications and Media Authority – in decisions on mis- and disinformation. Some of this commentary has been extreme. The bill, designed in part to require digital platforms to submit to ACMA a code of practice under which they would 'implement measures' to prevent or respond to mis- and disinformation, does not position ACMA as the source of truth on vilification, vaccinations and climate change. That said, there could be improvements to further distance ACMA from decisions on specific online content.

We're working up our ideas into a submission to this consultation being conducted by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts.  In the meantime, as Alexia explains below, the second instalment in our podcast series explores other dimensions of free speech and media freedoms.

**Derek Wilding**
CMT Co-Director

# Regulating genAI to protect news



GenAI – the technology behind ChatGPT – is as transformative and disruptive as the internet. While the internet revolutionised distribution and access to content, genAI transforms content creation. As genAI relies upon large-scale unconsented and uncompensated use of training data, this poses fundamental challenges for laws establishing rights in content, especially copyright.

In Australia, attention has focused on the uncompensated use of news content as training data, but views are polarised. On the one hand, Google has argued for more flexibility in copyright law, supporting a new exception for text and data mining. On the other hand, both Nine and News Corp have proposed payments for using news content by genAI, upon analogy with the news media bargaining code.

The issues facing news content are a subset of the general issues facing copyright. Copyright is designed to protect creative content by preventing free riding by uncompensated copying. While genAI uses copyright content, however, the sheer scale of the training data means that outputs may not be infringing copies. This leaves aside potential infringements by copying input data, with differences in how this may be treated under national laws.

Currently, there are several cases alleging copyright infringement by genAI systems making their way through the US courts. Meanwhile, suggestions for addressing the problem of

uncompensated use have included a compulsory licence, which would allow potentially infringing uses provided payments are made to rights holders. The problem with this, however, is that the enormous scale of the data training sets would make it difficult or impossible to identify and pay rights holders.

While it is likely to take time to develop solutions to the copyright problem, this need not prevent consideration of the particular issues facing news production.

In our view, there are at least two features that distinguish news from other copyright content. First, as recent history has illustrated, accurate news reporting is vital to functioning democracies. Secondly, as news content producers are a more homogeneous group than copyright holders in general, it is easier to identify and pay rights holders. We, therefore, think that, at least as an interim measure, there is a good case for establishing a mechanism for compensating news providers for the use of their content in genAI, in the form of either an extension to the news media bargaining code or a new compulsory licence.

**Evana Wright and David Lindsay**
UTS Law

# AI and journalism

It's certainly not new news that news media has been using AI in the process of producing 'news'. What's new news is that News Corp has been using AI rather extensively to produce 'news'. So, whilst most media companies in Australia are moving from process automation to story generation cautiously, News Corp is speeding down the genAI highway.

At the World News Media Conference in Taipei last week News Corp Australia's Executive Chair, Michael Miller revealed that the company's hyper local digital-only mastheads have been punching out some 3,000 articles a week using genAI. And as part of a wider program of embedding and integrating its editorial output in technological development and innovation – which all sounds very buzzy – the results for News Corp, according to Miller, are more than promising even though the success News Corp is seeing has many parents.

Miller says 40% of News Corp's total revenue now comes from digital and that digital revenue has grown by 42% in the past two years. News Corp Australia's monthly audience has grown from 16.4 million to 18.1 million in the last two years, and much of that growth is attributed by Miller to Verity. What's that, you ask?

Verity is a bespoke data analytics platform launched in 2019 to allow individual journalists to track the performance of their stories from first publication all the way through to the

number of new subscribers they attract. The journalist can watch how the story tracks online through various News Corp titles and on social media and newsletters, providing reader profiles down to their postcodes and lifestyles. Controversially, Verity can [workshop](#) headlines, story angles and story ideas to predict the likelihood of a person paying for a subscription. Think editor as AI bot. Of News Corp's 1,000 plus journalists, some 54% now use Verity to track the performance of their output. From this data, Miller knows that as a group, this 54% of journalists generated nearly 6,500 news stories which generated more than 5,000 new subscriptions (65% of which were the result of social media engagement). And 55% of all new subscriptions came from News Corp's hyperlocal news mastheads.

In 2020, as Covid hit, News Corp stopped printing 112 newspapers regionally. 36 closed completely. The rest went digital and the News Local division set about launching new digital-only titles attached, in the main, to metro mastheads, as drop downs on the front page. Many are staffed by a single journalist with access to central technology and marketing resources and are usually profitable within 2 years. Now they have a new tool – genAI – to make them even more productive.

It's a small team of just four staff in a new division called 'data local' which is using genAI to pump out generic information, stories on the local weather, where to source the cheapest fuel and which roads to avoid. With genAI doing the heavy lifting on 3,000 articles a week, the single journalist working regionally can use their time to work on other stories with Verity acting as a data assistant to provide performance metrics, leading to more subscribers. 'If that single journalist can generate seven new subscriptions a week, then their salary is covered,' said Miller. Journalists have long feared that genAI would lead to job losses. In News Corp's case, the job losses hit before genAI came along.

**Monica Attard**
CMT Co-Director

# AI – who is responsible?
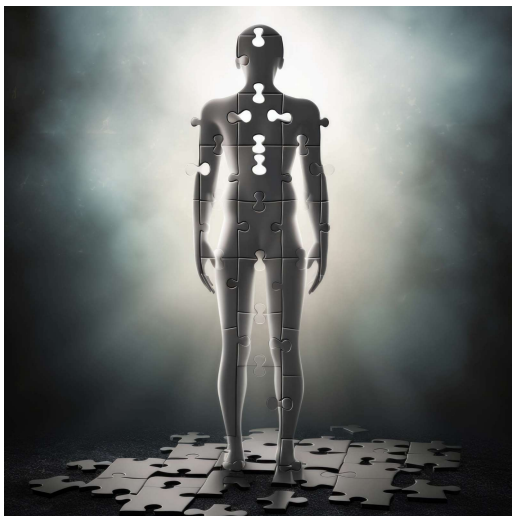
This week, in a submission to the government's consultation paper on safe and responsible AI, we set out our thinking on how to approach the roll-out of AI in journalism and its potential impact on the public sphere. As Monica mentions above, newsrooms need to be alert to, if not alarmed about, the risks brought by AI. This includes the need to protect their own interests as well as those of the public. There is risk as well as opportunity, for example, in recent moves to license news content to AI developers, including licensing public-interest content for exclusive use, which may serve as a means of forestalling copyright challenges or an expansion of the News Media Bargaining Scheme, as discussed this week by Evana and David.

GenAI opens a much broader range of use cases – and deeper risks – than older tools. It is important that responsibility is appropriately shared. News businesses are ultimately responsible for what they publish, and existing self- and co-regulatory frameworks provide a generally accepted, if imperfect, approach to holding them accountable. As part of this approach, the industry should be encouraged to review its codes and to develop AI-specific guidelines to ensure editorial processes are sufficiently robust to deal with AI risk. This includes ensuring that journalists understand the capabilities and limitations of the tools they are using. In turn, developers should be required to certify AI tools against a set of independent standards that address the risks of propagating misinformation or biased data.

The risks AI poses to the broader information environment go beyond journalism to implicate digital platforms and their users. Digital platforms should be responsible for implementing safeguards against AI-assisted manipulation and more broadly for promoting a high-quality information ecosystem on their services. Digital platforms, after all, are amongst the biggest developers and users of AI tools. In our view, the government should consider the impacts of AI alongside its current focus on misinformation on digital platforms to encompass a holistic approach to the news and information environment. The potential impact of AI is of such a scale that a narrow or piecemeal approach is unlikely to be effective.

Read our full submission here.

**Michael Davis**
CMT Research Fellow

# Defamation v free speech

In the second episode of our podcast series Double Take, Derek talks to media lawyer Michael Bradley about the action Senator Mehreen Faruqi is bringing against Senator Pauline Hanson under the Racial Discrimination Act (RDA). Michael is representing Senator Faruqi against Senator Hanson who is challenging the validity of parts of the RDA. Michael also discusses Heston Russell's defamation action against the ABC which will be the first major test of the public interest defence, as 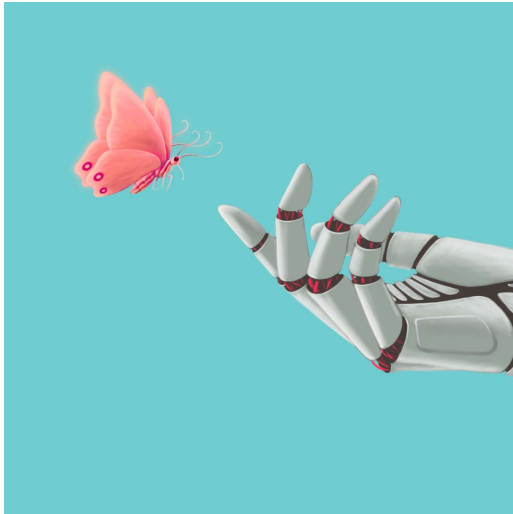well as his early representation of Private Media in Lachlan Murdoch's since-abandoned action against a column in Crikey.

Listen in via Spotify or Apple.

**Alexia Giacomazzi**
CMT Events and Communciations Officer

# #Humanising AI futures

Late last month, UTS hosted the half-day symposium, Humanising AI Futures: Reimagining data and AI for a future worth wanting. Much like generative-AI, it mashed together insights from a range of wildly different disciplines. The results were fascinating.

In her keynote, Heather Horst explored that AI and automation don't spring from nowhere, but from national and corporate contexts. Theses contexts mean biases are being baked into our tech. One example is the Amazon Echo Look, which recommended clothes, thereby revealing that its coders and its users had wildly different values about bodies and clothes. Amazon Echo Look is now defunct.

The CMT's Michael Davis gave a taste of research he's conducting with Monica Attard into how journalists use AI; David Lindsay outlined his research with Evana Wright into the implications for news media of the regulation of genAI; Nicholas Davis from the Human Technology Institute talked corporate governance of AI; and an eye-opening presentation from Adam Berry revealed how AI often excludes persons with disabilities entirely.

To close, literary scholar Michael Falk challenged the audience to replace the word 'intelligence' in the phrase 'artificial intelligence' with something better. 'When ChatGPT says, "I cannot do that", there is no "I",' said Falk. 'We have a tendency to treat AI as a responsible, coherent agent, when really it's hundreds of thousands of specific people building these systems ... AI will become what we imagine it to be.'

**Sacha Molitorisz**
Senior Lecturer, UTS Law

# So you want to be a youtuber?

If you have kids, chances are they want to be youtubers. After a 2017 survey found that youtuber was the number one job kids want (with 'vlogger' coming in second), a 2019 study found that kids would rather be youtubers than astronauts.

Parent bloggers are exchanging advice on raising children with youtuber aspirations, books are being published on the topic, and toys such as the Toy Vlogger Kit and video creator dolls are proliferating.

While many are tempted to copy the content of PewDiePie, Ryan's World, and MrBeast, a better option might be to convince your kids to be journalistic youtubers. Globally, YouTube is increasingly used for news and information. YouTube is known as the second biggest search engine, after Google. The Digital News Report: Australia 2023 (DNR) reveals YouTube is increasingly used as a news source, with almost a quarter of Australians using the platform for news. The DNR also reveals that roughly half of the Australians who go to YouTube for news 'mostly pay attention to mainstream media and journalists'. This means that about one in ten Australians are primarily receiving societal, political, and economic information from non-mainstream YouTube creators.

What does a kid need to be a journalistic youtuber? You may be surprised by this - they need to go to university. My initial research suggests that youtubers creating journalistic content generally have a bachelor's degree (B), master's degree (M), or PhD. In the UK, Tom Nicholas (PhD), Philosophy Tube (M), and Munecat (B) create thoroughly researched videos on societal and political issues. In the USA Sydney Watson (M) comments on societal issues, Coffeezilla (B) investigates financial crime, and LegalEagle (B) provides in-depth reports on events related to US law. Money & Macro (PhD) and The Plain Bagel (B) create content that goes into detail on finance and economic issues. In Australia, Daisy Cousens (M) creates content commenting on cultural and political issues, and friendlyjordies (B) publishes videos on issues of political integrity, environmental destruction, and hyperlocal issues important to communities in regional NSW.

There is no specific type of degree that leads to success on YouTube. The above creators come from a variety of academic backgrounds that include engineering, fine arts, political science, economics, and philosophy. Perhaps university lays the groundwork as it provides the in-depth knowledge of a specific topic area as well as the transferable skills of critical thinking, research, and writing. So, while your kids could try publishing prank videos, they may have a better chance of becoming YouTube stars by enrolling at university.

**Chris Hall**
Law HDR student

# Upcoming Event – Pandemedia

Come join us at UTS on **Tuesday 22 August** for a panel discussion about how Covid changed journalism. The panel will take *Pandemedia* as its launch site – a collection of essays that takes readers behind the scenes of Australian news organisations for a first-hand accounting of how journalists navigated the pandemic's turbulence, and how it altered the news.

Monica Attard will moderate the panel of journalists that includes Gavin Fang, Casey
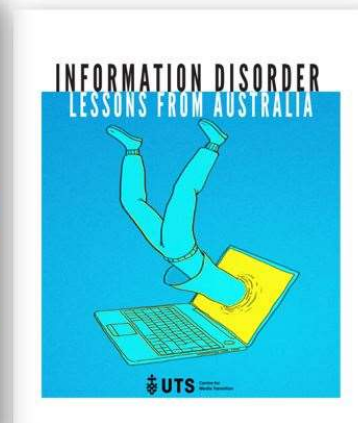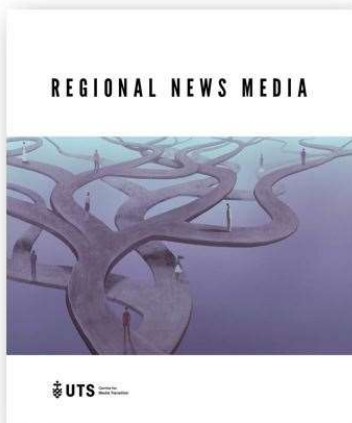
Briggs and Anita Savage. To find out more and to register, click here.

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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.