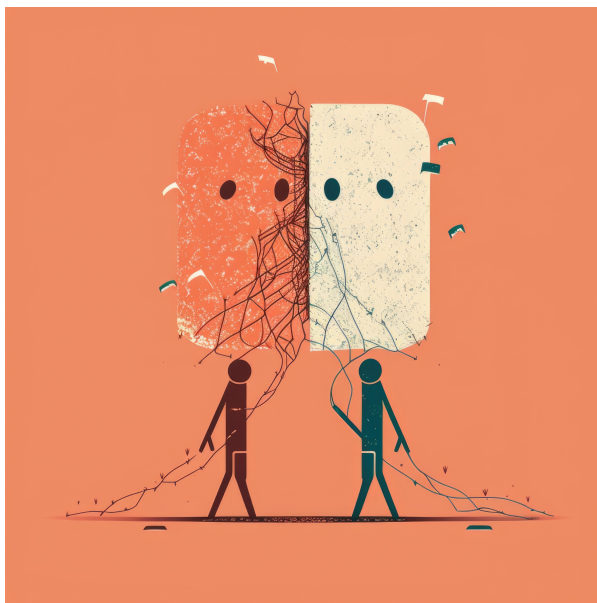


Centre for Media Transition



Hi there

Body doubles, double takes



Here at CMT we, like many others, have been [intrigued with AI](#) since the release of ChatGPT. Amidst all the fuss, it's easy to forget that AI has been making its way into news reporting for [quite a few years now](#).

Mostly this involves generating natural-language reports from facts or figures that are fed in from another source like market or weather data. Yet generative AI is transforming not just news production but presentation as well. As [the ABC reported this week](#), Asian broadcasters have not been shy, with AI-generated weather

presenters and news anchors hitting (I'd hesitate to say 'gracing') the Indian, Indonesian and Taiwanese airwaves this year. Sky News UK [has gone a step further](#), generating an AI-generated journalist to deliver an AI-generated story. It seems strange you'd go straight for removing the most obviously human part of the news, but I guess AI just [isn't too good](#) at the other part yet.

Thankfully, CMT's new podcast, Double Take, which kicks off this week, features only real humans. More on that below. Also this week, with debate over regulation of misinformation heating up on both sides of the Pacific, Sacha casts an eye at the complexities of balancing free speech with other rights. Tim narrows his gaze on Twitter, where the balance seems to

have been lost, asking why we continue to stick it out. And Derek expands on the strife in Canada, where Meta and Google are poised to pull news from their platforms.



Michael Davis
CMT Research Fellow

The myth of free speech absolutism



Last week, [a Louisiana judge ordered](#) Biden administration officials not to email, phone or otherwise contact social media companies about content moderation. But wait, isn't this an infringement of the officials' First Amendment right to free speech? Actually, [the judge did invoke](#) the First Amendment in his decision. The case had been brought by Republican attorneys-general arguing that the Biden administration's efforts to crack down on misinformation constituted 'the most egregious violations of the First Amendment in the history of the United

States of America'. And the judge, a Trump appointee, agreed, comparing the US government to Orwell's Ministry of Truth. There had been 'a massive effort,' he wrote, 'to suppress speech based on its content'.

The First Amendment has been popping up a lot in US cases. Late last month, the US Supreme Court held that a Colorado website designer could refuse to build a site for a gay couple named Stewart and Mike thanks to the designer's First Amendment rights. The decision sets a hugely significant precedent, but it wasn't unanimous. In her withering dissent, Justice Sonia Sotomayor wrote, 'Today, the Court, for the first time in its history, grants a business open to the public a constitutional right to refuse to serve members of a protected class.' [The curious postscript](#), revealed by good if belated journalism, was that there was in fact no gay couple who had sought the website designer's services. 'Stewart and Mike' were a fiction. The decision purportedly in support of free speech was based on a fabricated claim.

Free speech is more slippery than a slip-n-slide. The concept seems simple. The authors of

US democracy thought it so important that they enshrined it in the First Amendment of their Constitution. In reality, however, it's tricky. The right to free speech needs to be balanced against other rights and obligations, such as the right to privacy, the right not to be defamed, and prohibitions on illegal speech, such as [live-streaming a massacre](#). In Australia, the situation is even trickier because free speech is barely protected under the law, with the exception of the implied freedom of political communication that the High Court has inferred from the Constitution. That's the same implied freedom [Pauline Hanson is invoking](#) to defend herself against Mehreen Faruqi's defamation action, by arguing that section 18C of the Racial Discrimination Act – making it unlawful to offend, insult, humiliate or intimidate someone because of their race or ethnicity – is unconstitutional.

In Australia, the legal and regulatory mechanisms to protect free speech, and to give guidance about what speech is unacceptable, are inadequate and inconsistent. Platform policies are worse. The result is a public sphere that's a mess. 'GOODBYE,' [tweeted Sam Neill](#) on July 3. 'My friends, I'm just going to walk quietly away ... I am not happy with what's happened at Twitter & I'm not happy to be in a place that is so angry & divisive.' This followed Stan Grant's retreat from public life following [sustained online attacks](#). Cleaning up the mess requires a delicate combination of high-level principles coupled with more granular responses, as [the CMT recently argued](#) in a submission to UNESCO. The solution also ought to involve [a more coherent professional standards scheme](#) for journalists that also encompasses content on digital platforms. Otherwise, the bellowers and bullies will continue to drive out people with genuinely original and valuable contributions.



Sacha Molitorisz
Senior Lecturer, UTS Law

The spanners in the networks

While Twitter continues its widely [reported implosion](#), the company often takes the spotlight from the processes and happenings that constitute its and any platform's central value. Value is the key in this case, as fiasco after fiasco has not been sufficient to give other platforms a go – and there are really very many to choose from. Complaints about the [challenges of Mastodon](#) or the [confronting interface](#) of Reddit overlook the extent to which users had to overcome Twitter's [own early issues](#), but these complaints implicate the way we have organised our information systems around the platform. That implication is this: our need for Twitter (as well as other social networks) is derived as much or more from the centrality we have given it as from anything that Twitter itself does or offers.



Other services will greatly struggle to take over because the services, benefits, or even moral and ethical frameworks are not what is important to users; it is the platform's centrality to users' routine social practices. This highlights the relevance of Manuel Castells' Network Society, which he [recently revisited](#) with a much more cynical eye to accommodate ongoing processes of technological and societal change. He found that global networks, including social media networks such as those at Twitter, have

become a more entrenched site in the struggles of self-identification, negotiations of power, and social structuring, even as the rosy lens of liberating self-communication fades firmly into the sunset. The loss of this optimistic horizon casts a considerable pall over the Network Society we see transpiring on Twitter. Social organisations, like the state or massive multinational corporations (like Twitter) have not diminished in their significance but rather learned to leverage the centrality of the network to empower themselves.

Ameliorating the risk of self-reinforcing social power and dominance stemming from these leveraged networks is a daunting task because it requires sacrificing the immediate benefits. As it stands, scholars are asked for the Twitter text they want to accompany their academic publication, governments flag major decisions by tweet, and information workers [decry the pain](#) that comes with losing followers in a move. In each of these cases, the issue is not how great Twitter does what it does; governments aren't excited about a service that Twitter offers and those wincing Twitter leaders aren't crying out for the loss of easy login systems. It's just easy and predictable access to a group of people – even if that access is less easy and less predictable than before. As we further allow transgression after transgression by a platform [endorsed by the Taliban](#) as a bastion of free speech, we might need to start asking questions about the society we are so desperate to sustain through this network, as well as how willing we are to empower its biggest beneficiaries.



Tim Koskie
CMT researcher

Crunch time in Canada for news access



Google and Meta have taken a stand against the new [Online News Act](#) in Canada. Facebook says it will withdraw news by the end of the year, when the Act is scheduled to come into force. Google has said it may also be forced to block access to Canadian news if its concerns can't be resolved. This week, the Canadian government responded, as attention turned to a set of regulations that might persuade Google – if not Meta – to maintain access to Canadian news.

How does this compare to what happened in Australia?

The negotiations here reached their climax at the start of 2021 when Facebook pulled news for a week just before parliament enacted the News Media Bargaining Code. Google didn't go that far, but it did post a pop-up on its search page that linked to a blog explaining its problems with the proposed legislation. All this led to a final round of amendments to the Bill, including the infamous trigger mechanism that activates the statutory scheme: a platform is now only subject to mandatory bargaining if it's 'designated' by the Treasurer, and that will only occur if the deals it has struck with news businesses do not make 'a significant contribution to the sustainability of the Australian news industry'.

The sequencing of the negotiations has been a bit different in Canada. The Online News Act passed last month, but the crunch time is now, as the Department of Canadian Heritage drafts the regulations to accompany the Act which will set out the criteria by which a platform might be exempted from the statutory bargaining process. The question now is whether the Department can draft the regulations in such a way as to maintain the integrity of the scheme, while also alleviating some of Google's fears. The key part of the dispute is [Google's concern](#) that the law exposes it 'to uncapped financial liability'. [Reports](#) suggest the Heritage Minister is trying to address Google's concern by setting a cap on the platforms' contributions.

While Google has been outspoken on the Canadian scheme – it [claims](#) the Online News Act 'breaks the way that the web and search engines are designed to work' – Meta has been more definitive, [saying](#) 'news availability will be ended on Facebook and Instagram

for all users in Canada prior to the Online News Act (Bill C-18) taking effect'. It has even started testing the withdrawal of news content, [blocking access](#) to some sites for some people. And it appears that Meta is no longer in discussions with the government over the regulations; the government has [announced](#) it's pulling about C\$10 million in government advertising from Facebook and Instagram.

Meanwhile, publishers in Canada are nervous about losing the referrals they get from platforms. The editor-in-chief of Village Media in Ontario recently described the Online News Act as 'flawed', [saying](#) 'We *want* Facebook to be chock full of our hyperlocal articles. We *want* Google News to feature our latest headlines.'

Canada is running about two years behind Australia in the implementation of the legislation, but there's an eerie similarity to a looming showdown here. In the next year, the first round of deals with news businesses will expire, with Meta raising doubts over the renewal of those deals. For the last couple of years, Canada has been looking to Australia on the impact of the News Media Bargaining Code. Soon, we might be looking to Canada to see if their government finds a way to keep both platforms in the Canadian news game.



Derek Wilding
CMT Co-Director

Double Take



We have some exciting news to share with you – we've just published the first episode of 'Double Take', a new CMT podcast.

This podcast series is aimed at lifting the lid on the big issues and talking them through with stakeholders, people with some skin in the game. Each month, one of us from the Centre will bring you a new interview, a double take on a different issue.

We think about and research the major trends and challenges in news media. We

explore journalism best practice, new business models, regulatory adaptation and

information disorder – how we keep news media ethical and trustworthy in a rapidly evolving digital ecosystem rife with mis- and disinformation.

Now of course generative AI has debuted and it's proving to be quite disruptive. So, we'll be talking about that too.

For our first episode, 'Blowing the Whistle on National Security', Monica speaks to Bernard Collaery, a Canberra lawyer and former ACT Attorney-General on his prosecution by the Australian Government – recently dropped – for helping to expose a government spy operation against Timor-Leste during treaty negotiations in 2004.

Check it out on your favourite apps and subscribe to hear more:

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[Apple Podcasts](#)



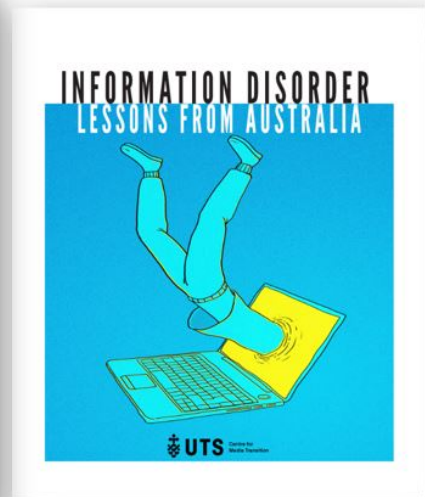
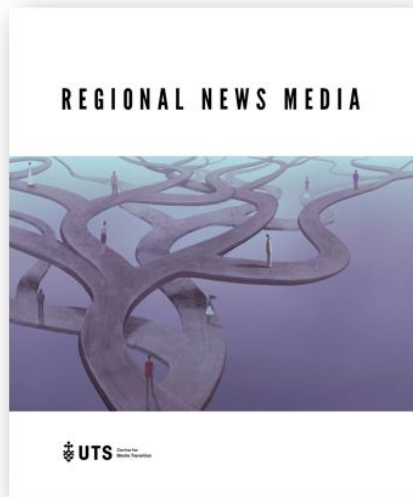
Alexia Giacomazzi

CMT Events and Communications Officer

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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.



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