

## Centre for Media Transition



Hi there

### ... and a Happy News Year!



As another year draws to a close, it's a good time for reflection and assessment – although I advise caution. If our assessment is too harsh, 2023 might sue for defamation.

At least that's how it feels after a year in which defamation law received yet another bruising workout. The surprise was that public interest journalism fared uncharacteristically well. In April, [Lachlan Murdoch dropped](#) his suit against *Crikey*. In May, [Bruce Lehrmann dropped](#) his suit

against News Corp, before later [settling with the ABC](#). And in June, [Justice Besanko dismissed](#) the defamation action brought by Ben Roberts-Smith against Nick McKenzie and Chris Masters following their war crimes exposé. It was a dramatic victory. In 2008, [Chris Masters told me](#) that practising investigative journalism sometimes felt like a 'death by a thousand courts'. For both journos, this protracted legal tussle was particularly torrid.

Not all journalists were victors, however. In October, [Heston Russell won his case](#) against the ABC, who failed to convince Federal Court Justice Michael Lee that its reporting was in the public interest under a new defamation defence enacted in 2021. Meanwhile, Lehrmann's case against Ten continues, also before Justice Lee. Along the way, there's been some remarkable fallout. Last week, the Walkley Foundation, who run Australia's premier journalism awards, [revoked the finalist status](#) of the TV interview with Lehrmann that aired on Seven's *Spotlight* program. Contrary to the rules, Seven had failed to disclose it had paid for Lehrmann's accommodation for a year.

This year wasn't just about defamation. In Canada, [Bill C-18 passed into law](#). Otherwise known as the Online News Act, the law followed Australia's news media bargaining code to prompt Google and Meta to compensate news media businesses for the use of their

content. Meta promptly withdrew news from its services; and Google threatened the same, before [reaching a \\$100m deal last month](#). The law comes into effect next week. Meanwhile, the Australian code is nearing its third birthday, which is significant given that many of the deals struck by news media businesses with Google and Meta were three-year deals. This week, I spoke with ex-ACCC chair Rod Sims, journalism scholar Anya Schiffrin and media consultant Hal Crawford about whether the code was a news saviour or a platform shakedown. It was a revealing conversation – which you can catch on [Youtube](#), [Spotify](#) or [Apple Podcasts](#) - covering fairness, transparency and whether the code should be extended to cover generative AI.

Speaking of AI, Europe's AI Act is taking shape. Last week, [the EU finally reached a deal](#) on what will be the world's first piece of comprehensive legislation to tackle the daunting challenge and opportunity that is gen-AI. It includes specifying systems that will be banned, including systems that: manipulate human behaviour affecting free will; use elements of predictive policing; and employ emotion-recognition technology in workplaces and schools.

It's been a big year here at the Centre for Media Transition too, culminating most recently in two major reports. In today's newsletter, the last for 2023, you can read about both: Michael reveals [our research into AI and newsrooms](#), hot off the press this week; and Monica describes the CMT's [deep dive into regional media](#). Meanwhile, Derek outlines some last minute developments in media policy and regulation.

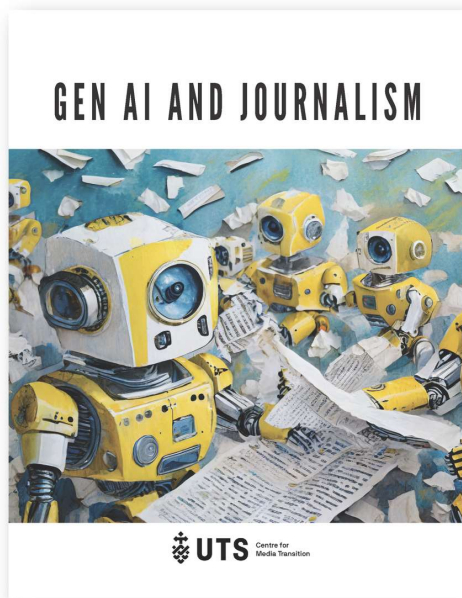
From all of us at the CMT, thanks for reading, and all the very best for the holiday period. Indeed, may your festive season be entirely free of defamatory imputations.



**Sacha Molitorisz**  
Senior Lecturer – UTS Law

## Generating news, generating change





When ChatGPT hit the world in November last year, we realised at once that it was a harbinger of significant change in the media industry. Generative AI has, accordingly, been one of our focal points at CMT in 2023. This week, [we published a report](#) on generative AI in the Australian news industry, looking at how it's being used, where the opportunities lie, and the potential downsides. Based on a series of interviews with Australian newsrooms, including the ABC, *Sydney Morning Herald*, *Guardian Australia*, the *Daily Mail*, SBS, Southern Cross Austereo, the *Newcastle Herald* and

Australian Community Media, the report places our findings in a global context gleaned from a widescale review of international research work and regulatory developments.

Our findings indicate that newsrooms are experimenting cautiously with the technology. They see a strong upside for news production, particularly through the automation of menial tasks that have arisen with the shift to multiplatform news delivery. Personalised news content and distribution is another perceived opportunity, and there are likely to be significant changes in news distribution as the technology continues to mature.

However, newsrooms are wary of the significant downside of generative AI if problems of accuracy, authenticity and bias are not adequately dealt with, and many fear a potential flood of misinformation and manipulated media. All newsrooms we spoke with had, at least for the moment, decided not to use generative AI to produce editorial content, with experimentation mainly limited to back-end tasks. Both transparency and human oversight are seen as critical to maintaining the integrity of news, and concomitantly audience trust, and many saw a clear opportunity for quality news and trusted brands to stand out in an increasingly polluted information environment.

While no newsrooms thought generative AI was about to replace journalists, all see significant industry change on the horizon. Some are concerned about developing reliance on another wave of multinational tech companies, with several having blocked AI scrapers in reaction to the use of their news archives to train AI systems without recompense.

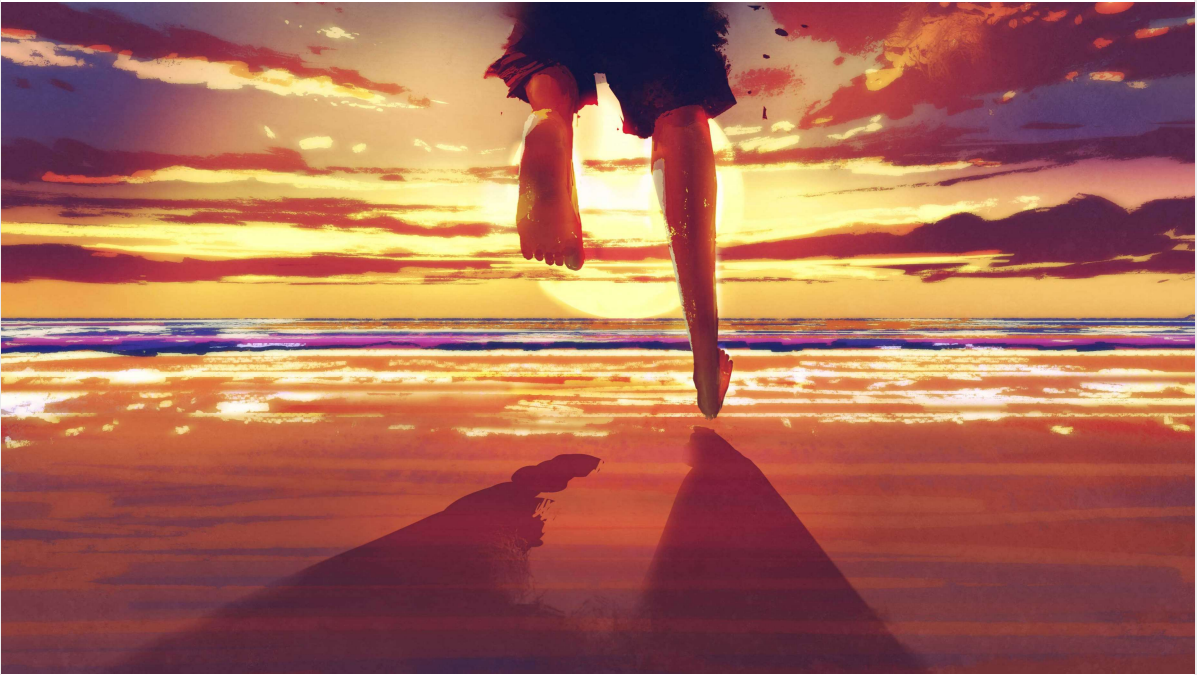
Overall, the Australian news industry is taking steps, if tentatively, to ready itself for the rise of generative AI. What newsrooms can do to prepare is of course limited by available resources, and smaller newsrooms in particular feel that the opportunity for automation to free up their small stables of journalists for reporting may be hindered by a lack of resources to effectively and safely implement the new technology.



**Michael Davis**  
CMT Research Fellow



# Let's get regional!



Our second report into the state of regional news media - and the impact it has on how much the rest of Australia gets to know of events outside our major cities - has been launched. You can [read it here](#).

This year, we continued to survey metro print, radio and television to quantify how much regional news metro audiences were exposed to, and we found a declining level of coverage in 2022-23 compared to 2021-22. Each surveyed metro outlet published or broadcast fewer regional stories from fewer local government areas. There continued to

be a significant focus on crime stories, particularly at News Corp's *Daily Telegraph*, and we found that coverage of rural and regional Australia increased in metro news outlets during natural disasters, of which we've had a fair share in recent times.

We also researched whether the narratives that developed in regional news media around significant policy initiatives moved across to metro news media. Ayesha Jehangir examined how the various alcohol bans imposed on Indigenous communities in the Northern Territory were covered in regional and metro media, while Gary Dickson looked at coverage of the contentious Murray Darling Basin Plan. They both found little to no movement in narratives reported in regional media being picked up by metro media, and very little indication that regional media was performing the kind of investigative journalism around major policy issues that might be attractive for metro news media editors to run. This may indicate that local voices are being confined to their geographic boundaries, leaving them outside the mainstream debates that traditionally occur around policy initiatives.

In 2024 - the third year of our research, which is funded by the Vincent Fairfax Family Foundation - we'll look at models to increase the amount of regional news that metro audiences are exposed to.



**Monica Attard**  
CMT Co-Director

## End of year ~~party~~ policy update



It was a big end to the year for media regulation and policy. In the penultimate sitting week of Parliament, the Government tabled a [Bill](#) dealing with both prominence and anti-siphoning. In short, a prominence framework would be created by way of a new Part 9E of the Broadcasting Services Act, assisting in the visibility on smart TVs of Australian broadcast and BVOD free-to-air TV services. In conjunction, existing arrangements for the anti-siphoning sports list would be replaced with an expanded scheme that includes streaming platforms,

not just pay TV.

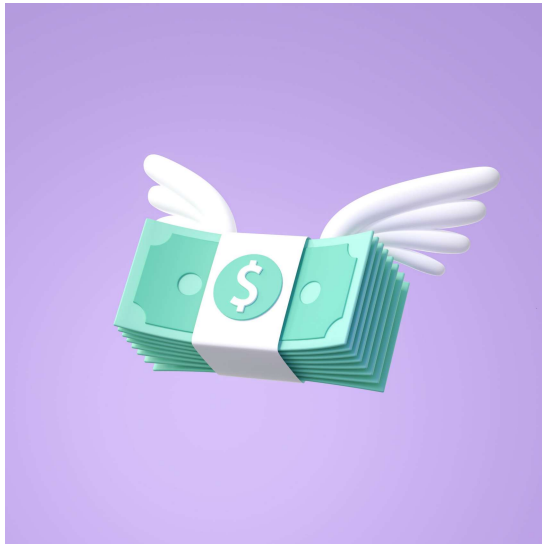
Then, in a speech to the Public Interest Journalism Initiative (PIJI) industry roundtable on Tuesday, Communications Minister Michelle Rowland officially released ACMA's advice to government on the new [Media Diversity Measurement Framework](#) along with the Department's [consultation paper on the government's News MAP program](#). The Minister also [announced](#) additional funding of \$6 million to AAP and \$800,000 to PIJI.

We'll come back with more detail on the Bill, the Media Diversity Measurement Framework, and the News MAP program in the new year. In the meantime, the Bill has been referred to the [Senate Environment and Communications Legislation Committee](#) with submissions due on 22 January, while comments on News MAP are due to the Department by 22 February.



**Derek Wilding**  
CMT Co-Director

# Double Take – Year in Media Transition



*News Saviour or Platform Shakedown?  
Australia's News Media Bargaining Code,  
Three Years On.*

Early next year, Australia's world-first news media bargaining turns 3, meaning that many of the deals Google and Meta have done with Australian news media businesses are about to expire. Worth well over \$200m annually, these deals have prompted a host of other jurisdictions to follow suit. Yet critics argue the code is flawed, unfair and lacks transparency.

This 'Year in Media Transition' panel features ex-ACCC chair Rod Sims, who can fairly be described as the code's architect, Columbia journalism scholar Anya Schiffrin, whose recent research has put a dollar figure on the value of news to digital platforms, and author and consultant Hal Crawford, whose international expertise stretches from newsrooms to startups. Together, they discuss the code and its impact, three years on and beyond.

▶ Watch on [YouTube](#)

▶ Listen on [Spotify](#) | Listen on [Apple Podcasts](#)



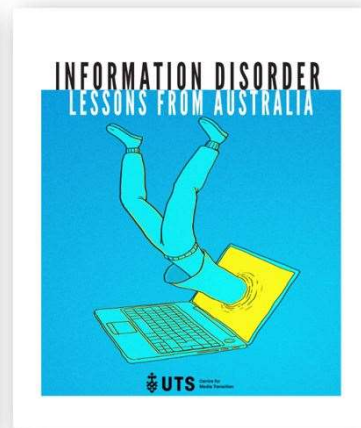
**Alexia Giacomazzi**

CMT Events and Communications Officer

Please feel free to share our fortnightly newsletter with colleagues and friends!  
And if this was forwarded to you, please subscribe by clicking the button below:

Subscribe

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.



[Privacy Statement](#) | [Disclaimer](#) | [Unsubscribe](#)

UTS CRICOS Provider Code: 00099F

This email was sent by University of Technology Sydney, PO Box 123 Broadway NSW 2007, Australia