Centre for
Media Transition

Hi there

It's been a month.

February is almost done and dusted, but the ABC is still caught in the cross hairs of a controversy that started the week before Christmas 2023. The removal off air of Antoinette Lattouf allegedly because of complaints from the Israeli lobby, and separately the national broadcaster's coverage of the Hamas/Israel war continues to cause it pain.

Managing Director David Anderson claimed public interest immunity to avoid answering questions in Senate Estimates this week about why Lattouf had been taken off air. But what was revealed in the hearing was the number of complaints the ABC has received about its reporting of the conflict since October 7, when the terror group Hamas mounted an attack on Israel, killing some 1,300 people. Since the attack, Israel has been retaliating, with an estimated 28,000 Gazans killed.

Apparently, the ABC has received around 3,000 complaints, an extraordinarily large number, covering around 1,300 different issues. ABC Editorial Director Gavin Fang told Estimates, most complained about impartiality and bias; 58 percent alleged the ABC reporting had been pro-Israel or anti-Palestinian, whilst 42 percent ran the other way alleging anti-Israel, pro-Palestinian bias. Still to come, as they say in the news business, evidence that any of the 3,000 complaints received caused the decision to remove Lattouf from her contracted one week on air gig. Lattouf's Fair Work hearing is slated to begin on March 8th, International Women's Day.

In this newsletter, Ayesha is looking at one tool of war that we also saw in the early stages of the Russia/Ukraine war – the use of AI generated images of civilians, mostly children,

presumably created to generate even more sympathy for the besieged victims of the Hamas/Israel conflict. Kieran looks at the government's response to AI risks. Next, Shaun Davies looks at a copyright issue plaguing Tik Tok and Derek delves into a decision by a regional Mayor to stop a defamation action against ChatGPT's maker, Open AI which, on a prompted search, claimed he'd served prison time for corruption.

Monica Attard
CMT Co-Director

Photographic truth? It's time to ask questions.

The dire conditions of people in Gaza trying to survive without sufficient access to food, clean water, and medical care have been well documented by international media and human rights/aid organisations. These reports have also revealed the struggles of thousands of families with children displaced due to war. Amidst the chaos, every day new images emerge from the ground, shared and viewed millions of times online. But not all are real.

In the most recent wave of images circulated on social media are several AI-generated photos of children lying huddled together on the wet, muddy ground inside or in front of makeshift tents. Often accompanied with the colours of the Palestinian flag or the flag itself, these images suggest the subjects are displaced Gazan children. Given the scale of devastation in Gaza, these AI-generated images risk being engulfed in the fog of (social media) war, potentially gaining public attention and being inaccurately labelled as journalistic evidence when they are not. We also witnessed the same in the ongoing information warfare between Ukraine and Russia.

In addition to the disruption of truth and accuracy, these images present another serious challenge for journalism: a potential increase in public distrust in media by blurring the line between reality and fiction.

The proliferation of AI-generated images into mainstream journalism is making the war even more chaotic and confusing for the public and, in some cases, deceiving even journalists themselves. Take for example the case of Nordhessen-Journal, a regional German news site, which published AI-generated images of the war, as one would assume, by mistakenly deeming them authentic stock photos. Late last year, Crikey reported AI-generated images of the war in Israel-Gaza were purchased from Adobe Stock and were used across the internet without marking them as fake or AI-generated. Among other photorealistic stock images were fake photos of protests and children running away from bomb blasts in the

Gaza strip.

Any information about children's suffering, particularly from regions affected by conflict or war, tend to evoke a heightened sense of empathy – as was in the case of the image of the Syrian toddler whose body was found washed ashore a Turkish beach in 2015. How receptive we are to accepting these photos as real may be why debunking AI-generated images of children from war and conflict zones is potentially more challenging compared to low-stake fake political images.

But the important question to raise here is: where will this worsening inability to distinguish real information from fiction take news audiences? Will audiences end up drowning in an ocean of digitally altered truth or will we end up believing that 'all visual information is disinformation', consequently swaying the public discussion from the real issues.

With AI tools improving with time, robust regulatory systems and dedicated efforts to increase the general public's media literacy becomes a pressing and indisputable need. In that way, it's promising that Meta has decided it will label AI-generated images on Facebook and Instagram as part of a broader tech industry initiative to sort between what's real and not.

Ayesha Jehangir
CMT Postdoctoral Fellow

Staying AI safe
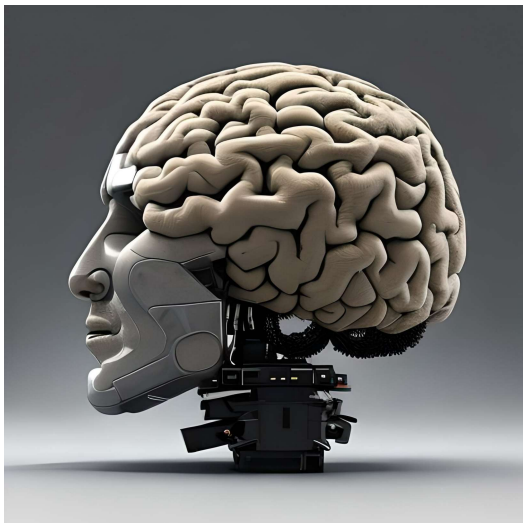
Earlier this year, the Australian government released an interim response as part of the consultation on Safe and Responsible AI in Australia, which highlighted the government's recognition of the potential benefits of the technology - but also a lack of public trust in the safe and responsible use of AI systems. That lack of trust is acting as a 'handbrake' for business adoption and public acceptance. The interim response signals a mix of short- and long-term actions and objectives, with strong commitments to more consultation with stakeholders to shape Australia's AI regulatory landscape.

The response addresses several key points raised in the submissions, notably the concern that high-risk AI applications currently operate with insufficient regulatory oversight. To address this, the government has proposed establishing guardrails to mitigate potential harms and whilst examples are limited, plans to test, enhance

transparency and accountability, and clarify existing laws are among them.

The extent of risk will determine when and what guardrails will be applied. So, high-risk applications would likely face mandatory guidelines, while the use of AI in low-risk settings would be largely unimpeded—with the aim to boost adoption and innovation in this space.

Determining what is classified as 'high-risk' AI in the Australian context was noted as a priority. To this end, the government has announced an Expert Advisory Group to assist in the development of AI guardrails. At the same time, a voluntary AI Safety Standard is being developed with industry input to manage AI-related risks along with a voluntary watermarking and labelling scheme to signal AI-generated content.

The government's approach doesn't appear to emulate the EU's dedicated Artificial Intelligence Act, but instead opts to leverage or strengthen existing regulatory provisions to target AI-specific harm wherever possible—for example, reforms to privacy and online safety regulations and the proposed Misinformation Bill.

Given the consultative approach signalled in the response, the doors remain open for stakeholders to have a say in the future of AI governance in Australia. Expect a lot more in this space!

Kieran Lindsay
Research Officer

TikTok-ing copyright timebomb

Tech companies are voracious users of copyrighted material, whether vacuuming it up for training generative AI or via user-generated content uploaded to their platforms. But how should copyright holders be compensated when a globe-spanning behemoth uses of their content?

In the past week, TikTok found itself front-and-centre in the global copyright debate. Universal Music Group (UMG) has removed its entire music catalogue from the platform after the two companies failed to reach a new licensing agreement. This means all videos on TikTok featuring Drake, Taylor Swift, and Bad Bunny now play with audio muted.

TikTok's success is fuelled by music – dance crazes and musical memes are its lifeblood.

But UMG says TikTok is stingy compared to other social media platforms. Music Business Worldwide estimates that TikTok is paying UMG $110 million a year, compared to $200-300 million from Meta. TikTok argues its platform provides huge exposure to artists and says UMG is "putting their own greed above the interests of their artists and songwriters".

In Germany, a different copyright case involving TikTok has implications for its use of copyrighted material. Munich's Regional Court has ruled that TikTok is liable for the unlicensed use of content from a Berlin-based film rights distributor.

TikTok, like most platforms, largely relies on the US law Digital Millennium Copyright Act (DMCA) to manage copyright infringement from its users. Under the DMCA, platforms avoid damages for infringing material if they take it down once it is brought to their attention. TikTok also proactively searches new content for copyrighted material.

While many international jurisdictions have similar schemes, the Munich court's decision suggests takedown may no longer be sufficient in Germany. The judgement was based on the country's 2021 UrhDaG copyright act, which says a "service provider" that displays copyrighted materials to the public is protected from claims only if it has undertaken "best efforts to acquire the contractual rights of use … of copyright-protected work".

I've worked directly on DMCA and copyright issues in the tech industry. When dealing with content at scale and across jurisdictions, it is among the most complex of legal issues; copyright breaches are difficult to detect, and without DMCA protections, damages can be high.

Expect copyright to continue to be front-and-centre as we move further into the world of generative AI.

Shaun Davies
UTS FASS Masters student

Test case tanks

While headlines have been made by Ben Roberts-Smith's appeal and Lisa Wilkinson's battle for Ten to cover her legal costs in the Lehrmann defamation action, an unsual report on a Victorian mayor also slipped into the news.

Last year, the Mayor of Hepburn Shire, north west of Melbourne took the first steps in an action against ChatGPT's owner, OpenAI. On one level, Brian Hood's claim was on the scale of the great mistaken identity cases. When asked about Hood's role in the Securency scandal over 10 years ago, ChatGPT apparently said he was 'involved in the payment of bribes'. In fact, as the SMH explained, Hood was the whistleblower in that case, and his courage was commended by the Victorian Supreme Court.

Many would say this is exactly the kind of thing defamation law is there to address. But it seems the complexities of defamation law, the practicalities of cross-border disputes with a corporate opponent, and the realities of fast-changing tech caused the mayor to re-think. In reports last week, he acknowledged that fighting the US-based corporate would be difficult. So, too, the task of proving publication to anyone other than the initial user, or at least to an audience large enough to support substantial damages. More happily, it seems OpenAI has fixed the real problem at least in one sense - that ChatGPT 4.0 does not deliver the erroneous content. And the attention generated by Hood's actions in calling out the errors generated by genAI have gone some way towards repairing any damage to his reputation. It may well be that the whole episode damaged OpenAI's reputation – albeit temporarily – more than Mayor Hood's.

Derek Wilding
CMT Co-Director

Upcoming events

Join us for the book launch **'Afghan Refugees, Pakistani Media and the State: The Missing Peace'** on Wednesday 21 February at 6pm.

Drawing on the frameworks of peace and conflict journalism, this book offers new insights into the Pakistani media coverage of Afghan refugees and their forced repatriation from Pakistan. Based on a three-year-study, CMT Postdoctoral Research Fellow Ayesha Jehangir examines the political, social and economic forces that influence and govern the reporting practices of journalists covering the protracted refugee conflict between Pakistan and Afghanistan.

Ayesha finds routinely accommodated media narratives of security that represent Afghan refugees as a 'threat', a 'burden' and the 'other' that have become an incontestable reality for the public in Pakistan. She recontextualises peace journalism as a *deliberative* practice,

privileging a cosmopolitan approach for the mediation of human suffering in the digital age. This book will appeal to those interested in studying and practicing journalism as a conscientious communicative practice that elicits the very public it seeks to inform.

Ayesha will be joined by keynote Professor Saba Bebawi, Head of the Journalism and Writing at UTS, and speakers Associate Professor Sukhmani Khorana; Co-director of the UNSW Media Futures Hub Associate Professor Tanja Dreher; and Afghan-Australian researcher and community advocate Dr Mohib Iqbal.

[Register here]

**Alexia Giacomazzi**
CMT Events and Communications Officer

We hope you have enjoyed reading this edition of the Centre for Media Transition newsletter: Dust ups, diversity and defamation - Issue 2/2024
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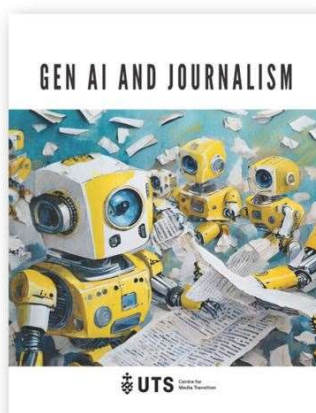
The Centre for Media Transition and UTS acknowledges the Gadigal and Guring-gai people of the Eora Nation upon whose ancestral lands our university now stands.
We pay respect to the Elders both past and present, acknowledging them as the traditional custodians of knowledge for these places.