

Hi there

AI hits the news again



Another newsletter, another week in AI advances – and failures. In this issue, Kieran Lindsay covers some of the recent AI news, highlighting ongoing issues of accuracy, bias and legal liability. Shaun Davies drills down into the growing problem of deepfake videos, which just got a lot easier to make thanks to OpenAI's new text-to-video generator, Sora. He asks Bryce Craig, lawyer at Gilbert + Tobin, what legal protections we have as individuals, and as a body politic. Turning to the news industry, Nick Newling and Ayesha

Jehangir's piece looks at new site The Nightly. Is it the knight in shining armour Australia's been waiting for? Or will it go the way of vice.com, the latest high-profile site to crash and burn?

In our latest podcast episode, Monica talks to new ABC chair Kim Williams about objectivity in journalism, and this week we also announce the launch event for [our report](#) Gen AI and Journalism. We can promise a fascinating panel discussion featuring three of the editors we interviewed for the report as well as copyright expert Professor Isabella Alexander. Grab your tickets from the link below!



Michael Davis
CMT Research Fellow

Chatbot chatter: a legal labyrinth?



It has been a particularly busy two weeks in the realm of generative AI. As well as Open AI's Sora, which Shaun discusses below, Google announced [Gemini Pro 1.5](#), which it demonstrated handling up to 1 million [tokens](#). Larger token windows allow users to provide the model with more context, reducing the risk of hallucination. For comparison, OpenAI's GPT-4 only handles 128,000 tokens. Google also showcased the model's ability to review video and accurately describe and pinpoint the timestamps of certain events, opening the

door for automated monitoring or reviewing of video content. Not to let an AI announcement week go by without controversy, Google turned the spotlight on bias and diversity in AI models as it faced [backlash](#) over its image-generation model's unstable take on history and diversity. Before Google turned it off, users had posted on social media screenshots of generated images of the US Founding Fathers as women and people of colour, Nazi soldiers of varied ethnicities and an outright refusal to portray any request for images of white people, despite having no qualms doing so for other groups.

Another interesting headline was the [case](#) involving Air Canada and customer Jake Moffatt. Moffatt had inquired about the bereavement policy with Air Canada's website-embedded chatbot. Having been told he could claim a refund up to 90 days after ticket purchase, Mr Moffatt went ahead and purchased his flights to attend a family member's funeral. After he had followed the chatbot's advice and requested a refund, Air Canada informed him the information was incorrect and that no refund would be given.

Air Canada [argued](#) that the correct information was on its website and that the company "cannot be held liable for information provided by one of its agents, servants, or representatives – including a chatbot." Describing the airline's submission as "remarkable", the Civil Resolution Tribunal of British Columbia ordered Air Canada to partially refund Moffatt, stating the chatbot was just another part of the airline's website and that there is no reason why a customer should know one part of a website is more reliable than another.

This case is just the tip of the iceberg regarding AI's legal implications. As AI agents become more advanced, they will also become more autonomous and start operating in higher-stakes situations, navigating decisions and interactions in ways that might not be entirely predictable. This unpredictability will pose significant challenges in establishing liability. At least in the case of chatbots designed to remove humans from the loop, it would seem incongruous with common sense to afford companies the combo deal of reducing headcounts and liability also.



Kieran Lindsay
Research Officer

Web wipe: combatting hyperreal deepfakes



AI's latest jaw-on-the-floor moment comes courtesy of [Sora](#), a generative tool from OpenAI that produces stunning videos from text prompts. While there are other video models, Sora leaps far ahead with HD imagery and multi-shot edits. Most impressively, Sora can generate videos that are 60 seconds long, versus 5 seconds for Google's Lumiere (launched January – things are moving fast).

This immensely powerful model obviously brings risks: deep fakes, hateful imagery,

harassment, and other nefarious uses. OpenAI knows this and is taking safety measures, such as red teaming with help from experts in misinformation, hate and bias. But it also says the system will need 'learning from the real world' to be safe. Translation: 'We'll probably have a big problem like that Taylor Swift porn crisis at some stage, but we're going to release and figure out solutions on the fly.'

But the appearance of a model this powerful means practical issues need to be thought through now. How will innocent victims of deep fakery get the content expunged from the internet before it ruins their lives? Luckily, I had a coffee date booked in with Bryce Craig, a lawyer from Gilbert + Tobin, who [knows as much about this issue as anyone](#), and was kind enough to explain the current state of play.

The good news is Australia is somewhat served by existing legislation. The Online Safety Act provides a channel for victims of non-consensual intimate imagery to get redress. This includes deepfake porn, provided it depicts an Australian citizen. The most common outcome of complaints is that the content is taken down quietly, either through cooperation of the person publishing it or the relevant online platform. But if the person who published the material refuses to remove it, the eSafety Commissioner can take them to court. Last year Antony Rotondo, owner of a website called Mr Deepfakes, was [prosecuted and fined \\$25,000](#) in the first case of deepfake pornography to reach the courts in Australia.

There are also laws in Australian states that can apply to deepfake pornography. Rotondo, for example, is also facing [obscene publication charges](#) in Queensland. Bryce notes that existing criminal and telecommunications laws also provide options, but queries their practicality: "How often do we see those things enforced nimbly enough to be effective for an everyday person? Often the police will refer victims back to eSafety."

The pathway to breaking out of a non-sexual deepfake nightmare is less clear. There is some protection under Australian consumer law for a case where a celebrity appears to endorse a product in a fake video. And for cases where a person is falsely depicted committing a criminal or unsavoury act, defamation law provides a pathway to seek public correction and damages. But defamation proceedings are expensive and drawn out, and while an interim injunction is possible, takedown is not necessarily assured. And of course, material shared with any measure of virality is seldom scrubbed from the internet completely.

The biggest gaps concern deepfake content that is neither sexual nor commercial in nature, particularly political content. For example, beyond relying on the platforms, how do you ensure that a deepfake video of a politician contradicting their publicly held positions is not allowed to proliferate on the eve of an election? One possible solution is the government's proposed disinformation laws, but these have been met by scepticism and, in some cases, open derision, and are unlikely to oblige platforms to take down political content, fake or not. See [our submission](#) on the draft bill for more on this issue.

Sora's fidelity starkly illustrates that this is not tomorrow's problem. Deepfake incidents have already started to [plague politics](#) and we're almost certain to see more during this year's US election. Australia's election is coming in 2025 – we need a practical solution, but this is a particularly intractable problem.



Shaun Davies

UTS FASS Masters student

The Nightly: dragon slayer or dinosaur?



When all hope is lost, and despair seems ready to set in, a white knight sometimes rides through the darkness to our rescue. It just so happens that this week, our knight in shining armour charges in from the west. Kerry Stokes, the billionaire owner of Seven West Media, has launched a fresh assault on the east coast with Australia's newest national masthead, The Nightly. Marketed as a free daily for the 'mainstream middle', The Nightly aims to serve the Australian public through an app (currently the top download in the App Store News category), a daily

digital paper, and a website. From the outset, it makes a lot of sense. A new digital first masthead, focused on providing free and 'sensible' news to 'mainstream Australia'. Sign me up!

But hold on, what – or who – is this ever-repeated ‘mainstream Australia’?

Thankfully Walkley-winning Nightly editor Anthony De Ceglie (also editor-in-chief of West Australian Newspapers) chose the first issue to signpost exactly what The Nightly is all about. In an editorial titled, ‘The Nightly will fight for the mainstream middle’, De Ceglie said the new masthead’s role is to ‘fight for working-class economic conservatism while supporting socially progressive causes that make sense’, a statement that somehow raises more questions than it answers.

Beyond clearly signposting political persuasions in what is ostensibly a paper designed to produce public interest journalism, the editorial goes on to identify the culprits behind Australia’s falling productivity. Put simply, the fault is at the hands of ‘Ministers ... introducing layers of industrial relations laws that fly in the very face of economic ambition’, ‘over-zealous environmental bodies which have been overtaken by fanatics’ and ‘callow radicals not above hoodwinking Indigenous peoples to carry out their own cynical agendas’.

Fighting words, and even stronger still when you remember that no knight charges into battle alone. Sitting alongside Stokes at his round table, dedicated to the mission of informing sensible Australians, are a number of faithful companions, namely, mining magnates Gina Rinehart and Chris Ellison, and Harvey Norman CEO Katie Page, who have all stepped forward in their support of the new digital. They are joined by a band of diverse advertisers (for the purpose of this metaphor let’s call them ... squires?), whose industries are as broad as mining (Woodside), gambling (Ladbrokes), and well ... more mining (BHP).

Perhaps then it is no surprise that alongside a three-page feature (part one of a four-part series) on the Prime Minister’s failure in the Voice to Parliament referendum, and a cartoon showing Albanese’s lament at the establishment of a new newspaper, the first issue of The Nightly also included a piece on Stokes’s longtime nemesis Andrew ‘Twiggy’ Forrest’s besieged oyster company, and an article warning MPs to support the minerals ‘ecosystem’.

However, no one should be judged by their first day on the job, and there is potential for an interesting disruption of Australian news media. The Nightly has signed a content-licensing deal with the New York Times and The Economist, flipped the typical publishing schedule by going live each weeknight at 7pm, and has a digital-only focus for its output. These factors, alongside a small team of approximately 15, may produce a leaner, sleeker operation that could slay the metaphorical dragons at The Australian and The Daily Telegraph.

Whether this venture fizzles or becomes a fairytale is a story only time will tell. Yet, when one hero rises, another so often falls ...

Vice Media, once valued at \$5.7 billion, made headlines last week with the announcement of the closure of Vice.com. This decision comes as part of a broader laying-off drive that commenced last year, with several hundred staff members now facing job cuts. Despite its innovative approach, targeting a younger audience through engaging storytelling across digital, television, and film platforms, the company succumbed to the challenges posed by disrupted revenue models, ultimately leading to its declaration of bankruptcy and sale to creditors in 2023.

Even closer to home, anticipated job losses loom as Warner Bros Discovery, proprietors of New Zealand's television network Three, outline plans to shutter its news service Newshub by the end of June after being in business for 25 long years, in what is being referred to as New Zealand's ['technical recession'](#).

With the future of these three organisations uncertain, one begins to wonder. If two close for every one that opens, will there soon be no one left to guard the gate?



Nick Newling, CMT Research Assistant

Ayesha Jehangir, CMT Postdoctoral Fellow

Report launch: GenAI and Journalism



Generative AI has been grabbing the headlines. But will it soon be writing them, along with the stories below the headlines?

The UTS Centre for Media Transition has been researching how newsrooms in Australia are preparing for generative AI. We found that all editors are concerned about the impact the technology will have on the integrity of their product, and are eager to find ways to protect it from misinformation, bias, and deep fakes. Still, many see significant opportunities to automate production processes and ease pressures on journalists. What is clear is that generative AI will drive another wave of

disruption through the industry.

For the launch event we are bringing together some of the editors we interviewed for [our research](#), as well as an expert on copyright, for a panel discussion on the impacts of generative AI on journalism.

Join us at UTS on Thursday 14 March at 12.45pm to hear from:

- Prof. Isabella Alexander – UTS Faculty of Law
- Barclay Crawford – Editor, Daily Mail Australia
- Justin Stevens – Director of News, Analysis and Investigations, ABC
- Melanie Withnall – Head of News and Information, Southern Cross Austereo

Please register for this event [here](#) as we have limited capacity.

Objectivity in journalism



This week on Double Take, Monica jumps into a deep and at times murky pond of discontent and concern – objectivity in journalism. Is it still important for the practice of journalism? If so, how can it be reconciled with the push for our newsrooms to become more reflective of who we are as Australians?

Monica speaks to Kim Williams who will soon be taking the reins of power at the ABC, where many of these questions have been aired in the wake of internal and

external complaints about the broadcaster's coverage of the Hamas/Israel war.

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Alexia Giacomazzi

CMT Events and Communications Officer

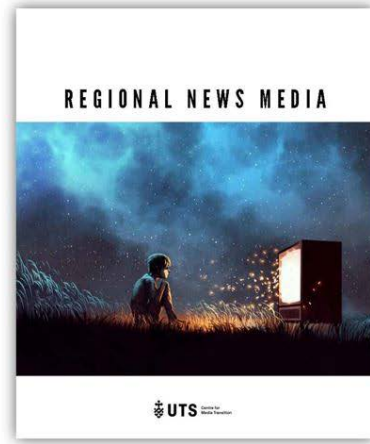
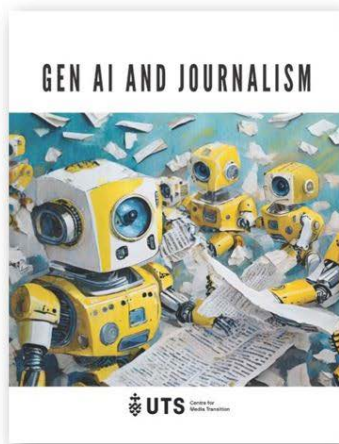
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The Centre for Media Transition and UTS acknowledges the Gadigal and Guring-gai people of the Eora Nation upon whose ancestral lands our university now stands. We pay respect to the Elders both past and present, acknowledging them as the traditional custodians of knowledge for these places.



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