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Centre for Media Transition

Hi there

Freedom, funding and fishing

Media freedom is a hot topic this week, with the release of Reporters Without Borders' annual World Press Freedom report. Australia has dropped back to 39th place, which it occupied in 2022, after climbing to 27th last year. The overall trend, troublingly, is downwards: Australia was ranked 21st in 2019. This week, Ayesha explores some of the recent context that may be driving the dive.

Israel took steps this week which may further damage its already-low ranking of 101, raiding and suspending Al Jazeera's operations. Monica investigates the risk to Israel's democratic legitimacy.

The media-policy debate in Australia is often reluctant to embrace discussion of subsidies, tax measures, and other government-driven funding proposals. In part this is due to concern over the risk to media freedom stemming from potential political influence. But as Tim explains, research suggests that, in addition to the wide range of social goods that media subsidies can promote, a well-supported media system is less prone to influence than a struggling one.

Sacha and Derek have been hard at work on a systematic review of media-standards schemes around the world. This week, we published a table summarising Denmark's scheme. This will be followed by accounts of other countries' approaches, as well as a report, all with a view to gaining a better perspective on how to reform Australia's fragmented, inadequate system of news-media oversight.

Meanwhile, Sacha dives into the legal and ethical issues raised by Peter Stefanovic's own-goal in his interview with prizewinning fisherman Keegan Payne. While the law constrains discussion of current court cases or spent convictions, no such limitation applies to acquittals or allegations where no charges are laid. A legal void does not, of course, legitimise an ethical void, especially when it involves the gratuitous victimisation of a young Indigenous man.

Finally, given the interest in the government's stalled Combatting Disinformation and Misinformation bill that has arisen in the wake of the Sydney stabbings, it is worth noting the European Commission's opening of proceedings last week against Meta. These relate to a range of alleged breaches of the Digital Services Act (DSA), including a lack of effective monitoring and flagging tools and inadequate complaint and redress mechanisms, and follow the EC's March guidance to platforms on the mitigation of systemic risks for electoral processes. The EC will also examine whether Meta is adequately addressing the dissemination of deceptive advertisements, disinformation and other coordinated inauthentic behaviour, and whether the demotion of political content threatens access to trustworthy information and news.

The proceedings demonstrate a focus – enabled by the DSA framework – on Meta's systems and processes, rather than a concern with determining whether particular content is or is not disinformation or misinformation. In our submission on the Australian bill, we argued that despite the government's express intention to focus on platform processes, the bill hinders that by awkwardly framing its scope around included and excluded content, limiting its effectiveness as a mechanism for promoting platform accountability. Whether the government heeds that lesson remains to be seen.

Michael Davis
CMT Research Fellow

Downgrade down under

Australia's ranking on the 2024 World Press Freedom Index plummeted by 12 positions this year, dropping from 27th place in 2023 to 39th. This significant decline stands out, especially when contrasted with neighbouring countries such as New Zealand (19), Timor-Leste (20), Samoa (22), and notably Fiji, which surged to 44th place compared to 89th in 2023. Fiji's notable rise in the index is closely tied to the repeal of a draconian media law implemented by the government that took control through a coup in 2006.

So, what actions, or lack thereof, have contributed to Australia's decline on the index?

To begin with, the array of national security legislation passed by successive Australian

governments over the past two decades, surpassing any other nation, is increasingly limiting press freedom in various ways. While there isn't an immediate threat of violence or arbitrary detention for journalists in Australia, there are numerous laws regarding national security, espionage, and data encryption that curb media freedom, and even legalise the confiscation of documents during an ongoing journalistic investigation.

Flashback to 2019, when the Australian Federal Police raided ABC's Sydney offices and seized over 124 files related to the Afghan Files report uncovering war crimes by Australian special forces in Afghanistan; or to 2015, when federal government agencies were discovered repeatedly referring journalists' reporting on asylum-seeker policies to the police, aiming to uncover confidential sources and whistleblowers.

Peter Greste, a prominent advocate for media freedom in Australia, contends that some of the current legislation criminalises practices that were considered legitimate journalism in the past. He argues that these laws not only subject journalists' data to intrusive scrutiny by security and intelligence services but also expose sources to criminal prosecution.

Another concern in Australia is the lack of protection for whistleblowers, resulting in attacks on individuals like David McBride, an Australian whistleblower due to be sentenced on 14 May. McBride's case exemplifies what Greste refers to as the "government saying one thing by talking up its commitment to whistleblower protections while doing the opposite." Although his intention was not to blow the whistle on war crimes, it was McBride who leaked classified documents to ABC journalists in 2014 and 2015, leading to the AFP raids. These events were followed by the 4-year Brereton inquiry, which uncovered evidence of war crimes in Afghanistan between 2003 and 2016.

Media ownership is yet another factor contributing to Australia's decline on the index. After China and Egypt, Australian media ownership is the most concentrated in the world.

However, where Australia notably faltered was in the sociocultural context, one of the five metrics used to assess the state of press freedom. Apart from assaults on the press related to matters such as gender, class, ethnicity, and religion, this metric evaluates the 'pressure on journalists to not question certain bastions of power or influence or not cover certain issues because it would run counter to the prevailing culture in the country or territory'.

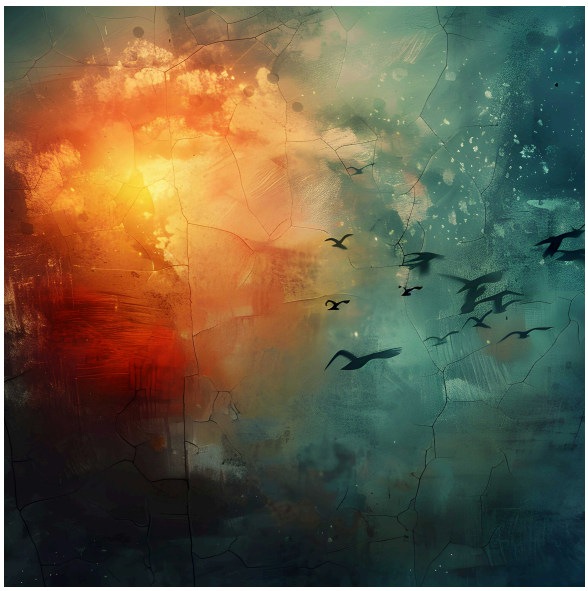
While it is not known what particular events informed the rankings, in my opinion, there are plenty of candidates over the past year, including Nine's papers censoring journalists who signed an open letter calling for balanced reporting on the Israel–Hamas conflict, and

the federal government's so-called ‘anti-doxxing’ laws.

Yet, amidst all this, Alexandra Wake, president of the Journalism Education and Research Association of Australia, is hopeful. She says Peter Greste's Media Freedom Act is an important initiative and hopes that the Act and accompanying register of ethical journalists will assist in regaining trust in public interest journalism. But for now, she says, ‘it’s refreshing that we must look to the Pacific for examples of strong and ethical journalism.’

Ayesha Jehangir
CMT Postdoctoral Fellow

Media freedom – a victim of war



Israel, which has blocked Qatar’s Al Jazeera from broadcasting on its territory, claims to be the only true liberal democracy in the Middle East. Someone should remind Prime Minister Benjamin Netanyahu that liberal democracies which generally value media freedom don’t shut down media organisations for unsupportive reporting.

With western reporters not able to enter and report from Gaza, the Al Jazeera satellite news network has maintained 24/7 coverage of the conflict, with reporters inside the Occupied Territory where an estimated 30,000 Palestinians have been killed. Along with critical reporting of Israeli military actions and tactics in Gaza, what has upset Netanyahu’s government is that Al Jazeera’s Arabic arm has often put to air video statements from Hamas along with those from other regional militant groups and it broadcasts these to Gaza and the West Bank as well as Israel.

Last weekend, the hardline Netanyahu government ordered the network to be shut down for 45 days, stopping its broadcasts on Israel’s main cable and satellite providers, and blocking its websites. It also confiscated Al Jazeera broadcasting equipment in raids of hotel rooms from which Al Jazeera reporters had been broadcasting. The ban can be extended and it’s hard to see that it won’t be.

Al Jazeera intends to fight back. It’s considering taking Israel’s decision to the international court of justice to both protect its journalists and its right to broadcast inside Israel. Of course, the public’s right to know what is happening on the ground inside Gaza is also at

stake, given the Israeli government's refusal to give western reporters access. Few governments would be happy to have a media network openly opposed to its actions, reporting inside its territory. But few, especially those which claim to be liberal democracies, would close them down.

This isn't the first time the Netanyahu government has acted against news media. Whilst it is very tolerant of western news media, including those which are critical of its offensive against Hamas, it blocked the Beirut-based, Hezbollah-affiliated Al Mayadeen News channel from broadcasting inside Israel at the start of this war. The Al Jazeera ban likely stems from its shaky relationship with Qatar, which Netanyahu has accused of funding Hamas and doing too little to force it to accept Israeli terms for a truce.

Now that Israel has despatched mediators to Doha to move forward on an accord to suspend or even end the war, perhaps media freedom will become a negotiating tool, another victim of war.

Monica Attard
CMT Co-Director

What subsidies know

As part of our ongoing work with the Valuing News project, we are investigating the wide range of subsidies that nations are using to not only support their media ecosystem but also evaluate it and guide it to the outcomes they would like to achieve. While Australia has had its own takes on such subsidies, providing some funding for cadets and regional journalism, other nations take a far more expansive and robust approach. These countries provide funding that specifically targets goals like media diversity, education, or democratic functions that demonstrate the range of benefits a media system can provide as well as the different shapes it can take.

One of the key lessons from this investigation has been how the media system these funds are supporting extends beyond the simple reporting of current affairs or warnings about some impending concern. For instance, media subsidies in Belgium and South Korea encourage media professionals to foster media literacy directly with students in the classroom from the earliest days of their education. Belgian support for postage of

newspapers to rural communities plays the dual role of ensuring regional access to news and providing operational funding for the postal service. Support for indigenous news in New Zealand and Norway not only provides for diversity in the media but also helps these people communicate with their communities, preserving language and heritage while attending to local concerns. Placement of government notices in UK and South Korean newspapers simultaneously provides funding for media organisations and helps government services perform their functions.

Media, by its very name, occupies a middle space, and the support mechanisms that we have seen in many countries exemplify this. While there are concerns that such government intervention in the media can raise political issues, research has found the opposite can also be true – that a well-supported media system *is* an independent media system, while a struggling media system is one more beholden to influence. It is no coincidence that the top-ranked countries for media freedom engage extensively with these subsidies. The research suggests that, while media subsidies can provide existential assistance to journalists and journalism, they will also impact on the larger community and can be specifically targeted to play these roles. Risks of corruption and undue political influence are genuine, but the randomised audits and reporting used by Norway or the reliance on external groups to mediate funding in Belgium are just some of the examples of how these challenges can be mitigated. These subsidies offer valuable blueprints for policymakers seeking to not only improve their media systems but also realise the broader benefits that media can achieve.

Tim Koskie
CMT Researcher

Bad stereotypes and spent convictions

Last week, 19-year-old Keegan Payne from the Northern Territory reeled in a tagged fish worth $1million, and TV host Peter Stefanovic thought he'd hooked a big catch too. During an interview for Sky News, Stefanovic congratulated Payne for his feat, then turned serious.

'There is a claim online that you stole a Polaris Ranger and a Polaris quad that you and your friends stole and damaged from a business a few years back,' Stefanovic said. 'First of all, is that true?'

Payne paused, then replied, ‘Yes.’ The exchange that followed was awkward. Payne said that he and his friends hadn’t been thinking, and he apologised to the business owner on air.

Viewers responded to say they weren’t impressed with Stefanovic. To his credit, Stefanovic contacted Payne and his family to apologise. And soon the business owner, Payne’s former employer, had been contacted for a comment too. ‘There’s not too many of us go through life without stuffing up somewhere along the line,’ said Bob Cavanagh.

Too true.

Complicating the exchange is that Payne is Indigenous. News media generally have a responsibility to avoid perpetuating negative stereotypes based on race and culture. This is most clear at the ABC and SBS. At the ABC, a guidance note encourages, ‘all non-Indigenous content-makers to inform themselves on the culture and heritage of the communities they work with, to “resist the shortcut of stereotypes”, to reflect the many dimensions of Indigenous life, and to seek out the broadest range of perspectives and speakers.’ At SBS, Australia’s First Nations and multicultural broadcaster, journalists are guided by *The Greater Perspective: Protocols and Guidelines for the Production of Film and Television on Aboriginal and Torres Strait Islander Communities* , which prescribes, ‘all Content Makers ... should avoid stereotypes.’ Meanwhile, all journalists should be guided by Media Diversity Australia’s handbook, *Reporting on Aboriginal and Torres Strait Islander Peoples and Issues,* which says, ‘Journalists should steer clear of using stereotypes and should seek to challenge their own notions of race.’

Indigenous Australians continue to suffer from enduring negative stereotypes. In a country where our First Nations people are the most imprisoned people in the world, these stereotypes do real harm, and journalists need to do better at avoiding them.

And wrapped up in all this is the issue of past indiscretions, which is also a thorny one for journalists. In a front-page story, the *Sydney Morning Herald* dug up an incident from the past of Bishop Mar Mari Emmanuel, who came to national notice after he was stabbed while preaching last month. In a front-page story this week, the *Herald* reported it had ‘been granted access to a court transcript detailing a previously unreported chapter of the bishop’s past.’

It turns out that this controversial preacher has a controversial past. More than a decade ago, he had been charged with committing an aggravated indecent assault. The charges were dismissed, but there were stern words from the magistrate.

At this point, the law of spent convictions comes to mind. In NSW, the law prescribes that convictions are 'spent’ after 10 years. After this period, offences are generally wiped from the record, with journalists not allowed to report them. However, more-serious offences, including sexual offences, aren’t included. What’s more, the bishop was never convicted, so what’s to stop a journalist reporting court transcripts from a decade ago? Not much. There’s no law of spent non-convictions.

It all calls to mind the notion of 'digital eternity', a phrase coined by UTS Professor David Lindsay to describe the tension between the human, which allows for people to grow and change, and the digital, which seemingly locks us into whatever we once uttered or posted or did. Still, the principles for journalists are clear. First, avoid perpetuating negative stereotypes, including of Indigenous Australians. Second, avoid unfair reporting of past indiscretions. Sure, applying those principles can be challenging, but, as Stefanovic realised, his question to Payne clearly crossed the line.

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We hope you have enjoyed reading this edition of the *Centre for Media Transition newsletter | Freedom, funding and fishing - Issue 8/2024*
ISSN 2981-989X

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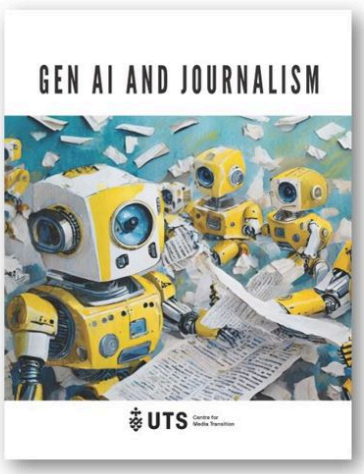

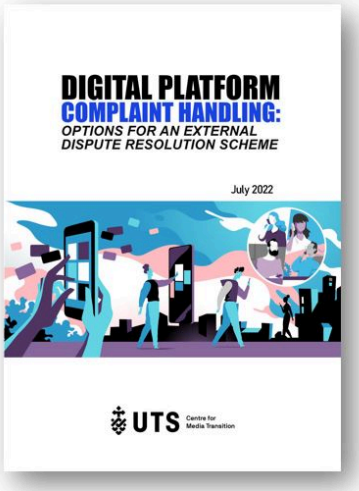

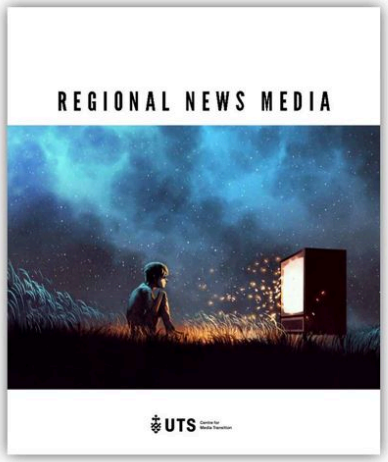

The Centre for Media Transition and UTS acknowledges the Gadigal and Guring-gai people of the Eora Nation upon whose ancestral lands our university now stands.
We pay respect to the Elders both past and present, acknowledging them as the traditional custodians of knowledge for these places.