



Hi there

Goodbye 2021, hello 2022!



And what a year 2021 has been for media. It's been a rollercoaster – the sort you probably wouldn't let your kids ride. On January 6, fuelled by misinformation and misplaced patriotism, rioters stormed the US Capitol building, and democracy wobbled. Yesterday, a Senate committee into media diversity in Australia [released its report](#), recommending 'a judicial inquiry, with the powers of a royal commission' into media ownership.

In between, there was action aplenty. This was the year [Facebook went dark](#), then [went Meta](#), following explosive revelations from [whistleblower Frances Haugen](#). This was the year [Google threatened](#) to withdraw its search engine from Australia, only to see [Microsoft reassure us](#) that Bing wasn't going anywhere. And this was another year of alleged defamatory imputations, marked by [the first stage of law reform](#), but also by [Christian Porter's lawsuit](#) and a [High Court decision](#) that left news media scratching their heads.

Yesterday, the CMT held our second annual Year in Media Transition

panel, where we reflected on the year in media. If you missed it, you can [see it here](#). Our three panellists spoke frankly and insightfully: [Kate de Brito](#), executive director of [Flash](#), a recently-launched news streaming service co-owned by News Corp and Telstra; [Clayton Noble](#), senior corporate counsel at a little company called Microsoft Australia; and [Hal Crawford](#), a media consultant with uncannily sharp insights after 25 years of experience in digital and broadcast. Our focus was on the regulation of the digital space, and we opened with the distinction between traditional media (heavily regulated) and digital platforms (largely unregulated).



‘Things are moving fast,’ said Microsoft’s Noble, citing the abhorrent violent material law, online safety legislation, encryption legislation, defamation law, privacy law reform, and news media bargaining code. ‘So work is busy, but I appreciate what you say, because it has been a lot more free in lots of digital spaces than it has been for traditional media for a long time. And I think it’s taking a while for regulation to catch up. But certainly in Australia, in other parts of the world, the catchup is coming. We need to move fast, but not faster than the speed of thought, right? We need to be aware of unintended regulatory consequences.’

‘Those platforms are unprecedented in their power,’ said Crawford. ‘And therefore we have to develop a new approach. And they really have to contribute more to the societies where they’re deriving their revenue and their profits.’

However, Crawford was critical of the news media bargaining code. ‘I don’t have any problem with the platforms paying money to contribute more fully to the societies in which they operate. My preferred approach would be that that goes into consolidated revenue, and this is then distributed by the government. What we have at the moment is a bit of a dark and shadowy situation where these deals, no one knows what the content is, no one knows where the money’s being spent, and if in fact it’s being spent on public interest journalism. The process is wrong and corrupt - but one thing that I would say is that there are pretty clear signs that there’s been some positive effects from this.’

‘Big tech changed our lives,’ said de Brito. ‘They provided this incredible suite of products that were free. There was such a sense in society for so long that these were the good guys, that they could do no wrong, that they were just there to make our lives better. And they did. But then, of course, as happens with anything, we also discovered that problems were inherent in that global reach and in that power. I think society has just started to catch up with that. And when society does, I think that is what sort of puts the pressure on these businesses to behave correctly. We’re catching up, the regulators are getting smarter, they’re understanding it better.’

If we’ve learned anything, it’s that 2021 isn’t over yet, and may still have a few surprises in store. This is our last newsletter for the year. We’ll be back in your inbox

in early February. In the meantime, refresh, recharge and reboot. From all of us at the CMT, here's wishing you an upbeat end to 2021, and a great start to 2022.



Sacha Molitorisz
UTS Law Lecturer

Reckoning with systemic abuse



Few can have missed the extraordinary #MeToo reckoning that has unfurled before our eyes across the country this year.

The year didn't start well, with #MeToo shellshocked after a demoralising loss in the Geoffrey Rush defamation case. But then there was the announcement that sexual abuse survivor Grace Tame would be the 2021 Australian of the Year, followed by allegations of sexual assault by parliamentary staffer Brittany

Higgins. When these two extraordinary women fused their campaigns to bring to heel men who harass or abuse, they wedged the Morrison government into a position from which it hasn't yet emerged. Few are convinced the government is fully accepting of how toxic the political workplace can be for women, even despite last week's devastating revelations of [the Jenkins Review](#).

UTS journalist-in-residence Jess Hill is the author of the Stella Prize-winning *See What You Made Me Do*, an exhaustive account of the pervasiveness of domestic violence in Australia. Hill has now penned a *Quarterly Essay* examining the points at which #MeToo exploded, subsided, rattled the federal government, and prized open the door of the highest court in the land to demand change. I interviewed Jess to launch the essay in Sydney.

Hill examines the moments the movement seemed to derail, most notably when News Corp published its 'King Leer' claims against the actor Geoffrey Rush, ultimately held to be defamatory, despite News Corp dragging the woman who made the allegation reluctantly into proceedings. Hill cites Michael Bradley of Marque Lawyers, who says of the Rush win: 'It scared the shit out of everyone. It was just such a game-changer. If that hadn't happened, if they'd done their homework properly ... I know that Fairfax and ABC had a queue of stories lining up they were going to run. Everyone just ran for the exit.'

Yet, as Hill writes, blaming the defamation laws for holding back #MeToo is missing the point. The point for some in #MeToo was to bring down high profile abusers; but

others are tired of the focus on individuals. As Tarana Burke, the US founder of the movement, tells Hill, 'There are lots of ways to talk about the work that don't defame anyone ... that talk about systems.' And of course, in Australia it was [the exposé of inappropriate behaviour](#) by then High Court judge Dyson Heydon that blew open the systemic problems, dovetailing ultimately with the claims made by Brittany Higgins. Here in Australia, #MeToo managed to maintain its cultural power, in no small part thanks to Tame and Higgins – an 'insurgency' as Hill labels it that took the country's breath away.

That's not nothing. Still, there's a long way to go before contempt for women is no longer the easiest position to adopt. [Hill's essay *The Reckoning*](#) is quite the read.



Monica Attard
CMT Co-Director

Let's not troll the Anti-Trolling Bill



There are some curious aspects of the [draft Bill](#), released last week, that links anti-trolling measures to defamation. Stranger, though, is the public reception. Sure, the Bill has some problems, but its core concept of a decent complaints scheme to deal with online content is a great idea.

Maybe the problem lies in the 'troll' [concept](#). Putting an end to trolling is a big ask, and this Bill is really targeted at content that is defamatory – meaning,

essentially, it's about content that might lower someone's reputation, rather than something that might offend them.

But it does get serious about social media platforms effectively responding to complaints about user content. It does this via a concept of 'prescribed requirements' that a platform will meet if its scheme enables a user to complain about a post, and that complaint is passed on to the original commenter, within short timeframes. The scheme is designed first to offer a complaints stage that provides an opportunity for content to be taken down if the original commenter consents. If the commenter doesn't consent, there's then a mechanism for moving it into the Federal Court to obtain an order requiring it to be removed.

I'm less keen on this second stage involving court orders for posts on social media, and my first inclination would be to unhitch the complaints scheme from the defamation part. But I acknowledge there's a parallel policy issue – being pursued

by the state and territory attorneys-general – of deciding how and when liability for defamatory content kicks in. (In fact, this is one of many initiatives dealing with the problems of online harms. I commented on the new Online Safety Bill in our [last edition of the newsletter](#).)

Others have raised genuine concerns such as the loss of [opportunities for anonymous commenting](#). That can be important, especially to people at risk or to marginalised communities. And there's a need to squarely address the added risk to privacy breaches that could flow from legislation that effectively requires, rather than just permits, the collection of data. Plus in my view the scheme will need a more developed framework for the platforms to make informed decisions on this content.

But the scheme positively responds to the problem in the recent [Voller High Court decision](#) that establishes liability of news organisations for third party comments. In fact, it provides a surprising level of immunity for news organisations and others administering Facebook pages. Most importantly, it starts the process of addressing the need for responsive complaints resolution schemes. With some development and adaptation, we could reach a way of addressing this problem that is not perfect, but does at least address the problems being encountered now by people using social media.

And that's something the participants in Sacha's 'year in media transition' event seemed to support as well.



Derek Wilding
CMT Co-Director

A year of vaccine misinformation



Last year, even before Covid-19 vaccines had been developed and approved, First Draft's founder Claire Wardle identified vaccine misinformation as our key area of focus for 2021. Her vision was spot on.

For the APAC team, we identified early in our monitoring how Indigenous Communities were being targeted by misinformation and how countries in our region [such as PNG](#) were at particular risk. In the first few months of the year,

our bureau editor Esther Chan led [Vaccine Insights APAC training](#) for journalists. Our courses and training were increasingly taken up by civil society groups and those 'on

the ground' such as the International Committee of the Red Cross, who see first-hand the effects of misinformation campaigns on public health. In the countless video conferences I've attended throughout the year, I noted that while we use online digital tools it's the people such as my First Draft staff that make the key difference. To that, I stress the important role of key staff and volunteers on the ground who are trying to implement our advice and training. Getting ahead of misinformation is a human resource-heavy business, requiring ongoing support to coordinate efforts for creating real change.

Throughout 2021, Stevie Zhang has crafted global advice for journalists and professional communicators on how to approach reporting on issues such as [protests and marches](#) - advice that helps reporters consider the nuances. Stevie has also been sought-after for their leadership in how to approach the so-called [lab-leak theories](#). There are some evergreen lessons here for reporters.

Our work is 'ahead of the misinformation e-curve'. It pre-empts where particular issues may be [exploited](#) by those who may wish to spread disinformation, including in [key vaccine-related](#) areas. As we close out 2021, the APAC team's Lucinda Beaman has monitored how vaccine mandates for [school teachers and childcare workers](#) created an opportunity for disinformation to spread. Campaigns specifically targeted teachers and parents, creating forums where vaccine misinformation was shared. Misinformation and conspiracy theories mingled with efforts to lobby governments and schools against vaccine mandates. Our [monitoring on Omicron](#) shows how those spreading misleading information are often motivated by a boost to their profile followers for political or financial reasons. As we look forward to 2022, it's a key reminder for us all to revisit our '[science literacy](#)'.



Anne Kruger
First Draft APAC Director



Finally, we're delighted to announce that we've appointed a Postdoctoral Fellow to work at the Centre. Dr Ayesha Jehangir will join us early next year.

We're also currently seeking a Law Postdoctoral Fellow to join us as well. This role calls for an undergraduate degree preferably in law or equivalent and a PhD in law or any discipline relevant to the Centre's activity. If you're interested, look [here for details](#).

Please visit our [website](#) for more information about the Centre and our research.



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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