

Centre for Media Transition



Hi there

This fortnight wasn't a game



Just another slow fortnight in media and law. Well, apart from Lachlan Murdoch suing *Crikey*. And Erin Molan winning her defamation suit against the *Daily Mail*. And the Australian [eSafety Commissioner](#) [getting tough](#) with Apple, Microsoft and Facebook. And Chris Dawson being found guilty of murder in a livestreamed judgment, following a 2018 podcast that some thought had cruelled the chances of a fair trial.

And there was more. Below, Monica Attard reflects on the death of Mikhail Gorbachev,

and her experience as a foreign correspondent in Moscow during the collapse of the USSR. Derek Wilding asks whether Zoe Daniel's call for a judicial inquiry into media diversity is a good idea. And Michael Davis challenges the ethics of the journalists who chose not to report that the Prime Minister had secretly been sworn into extra portfolios. Finally, I reflect on last month's CMT/ICRC event into conflict reporting, featuring the inspiring Marwa Moeen.

Ok, maybe not such a slow fortnight.



Sacha Molitorisz
Senior Lecturer, UTS Law

Russian leadership at its best



The death of Mikhail Gorbachev at the age of 91 is profoundly sad. It reminds me of how much better Russia can be.

Gorbachev was young at 54 when he became General Secretary of the Communist Party in 1985, bursting with energy and a conviction that the USSR could be a better place for its people and the world. Before him, in quick succession between 1982 and 1985, three leaders had died – Brezhnev, Andropov and Chernenko, all ailing, old and committed to a system that

didn't work and that they didn't want to change. Gorbachev *did* want to change his country, made up of 15 mostly culturally different republics, a moribund economy, vast and deep corruption, and locked in a hopeless war of words and military one-upmanship with the west. *Homo Sovieticus* to his bootstraps, he certainly didn't want the USSR to collapse, but he did want his people to be ambitious for a better life. And he moved fast: he created a new parliament called the Congress of People's Deputies and allowed its proceedings to be broadcast live on television every day, which resulted in a notable slump in productivity as people skived off work to watch. People were shocked too when new television current affairs shows began questioning their political leaders, and when Gorbachev refused to stop the Warsaw Pact countries leaving the fold and presided over the reunification of Germany.

Gorbachev, as history knows, changed his people but not the Communist Party. By August 1991, the party had had enough. During the three days Gorbachev was held under house arrest in Crimea, the party sent tanks onto the streets of Moscow to restore 'order', and for me as a [Moscow-based correspondent](#) covering it all, it seemed equally impossible to imagine how the USSR could survive or that it might collapse. Gorbachev clearly couldn't imagine it collapsing either. I watched from the front row of a media conference as he told the world, when he was freed from house arrest, that socialism was alive and could still lead the Soviet people to nirvana. He would regret saying that.

Years later we met in Sydney. Though I had been in his orbit in Moscow as a journalist, even the 30 minutes he offered was a bonus given I had written a [book](#) on the USSR's collapse. In the end, we spoke for many hours (he did love to talk) during which he said he never considered calling in the military to salvage the USSR, after three former republics (Russia, Ukraine and Belorussia) signed the USSR's death warrant. Too many people would have died, he said. Mikhail Gorbachev hadn't forgotten the lives lost in the Baltic uprisings or at home on Russian soil during the tumultuous years leading to the coup attempt. He saw

himself as a peacemaker. He knew he had failed but saw merit in this failure.

Though many Russians whose lives were upended when the USSR collapsed would disagree, the last leader of the USSR – the man who refused to stop the Soviet empire falling apart – should remind the world what Russian leadership is at its best.



Monica Attard
CMT Co-Director

Can teal seal the real deal?



Last week the new Independent member for Goldstein, Zoe Daniel, issued a [statement](#) calling for a judicial inquiry into media concentration and News Corp. It's not a new idea. A judicial inquiry into 'media diversity, ownership and regulation' was proposed by the [Senate Inquiry into Media Diversity in Australia](#) last year. That followed Kevin Rudd's call for a royal commission. And now the whole issue has become entangled in the [defamation brawl](#) between *Crikey* and Lachlan Murdoch.

A judicial inquiry is not what we need, especially one that – in Daniel's words – probes 'the Murdoch media empire'.

Sweeping gestures such as this conflate issues of media diversity, concentration of ownership, and news standards. Sure, it's worth questioning Lachlan Murdoch's decision to take action against *Crikey* for commenting on the Murdochs' support of a culture at Fox News that encouraged the dangerous rhetoric surrounding the attacks on the US Capitol. Here in Australia, News Corp has to answer for its own lapses in journalistic standards, and it occupies a bigger space in Australian media than is desirable. But that can be said of others, and News does participate in, and fund, an independent complaints scheme.

When we unpack some of this, we can see work has already been done on some aspects of regulation and policy. For example:

- We know there is a need for a better grip on what we mean by ‘media diversity’. PIJI has gradually been building picture of news production through its [mapping project](#), while in 2020 the ACMA released a really thoughtful paper on building a [measurement framework](#), linking diversity to localism.
- We know that with the removal of sector-specific media ownership laws, there’s a gap in assessing media mergers that is not adequately addressed by s 50 of the Competition and Consumer Act, or CCA. Whatever you think of the merger of Nine and Fairfax, the CCA did not offer a good framework for assessing that transaction. CMT and others have urged development of a [public interest test](#), drawing on reviews dating back to the Productivity Commission report in 2000.
- We know there’s a problem in encouraging effective media standards when rules about accuracy and fairness vary according to the media platform on which the consumer encounters the content. Some news consumers can complain to the Press Council, some to the Independent News Council and some to ACMA. Others have no independent body to assess their complaint.

These are not matters best addressed by a judicial inquiry. They do need attention, but they require specialist consideration by government as part of broader policy reform.



Derek Wilding
CMT Co-Director

The journalist's duty to inform



Press coverage of Scott Morrison’s secret ministries has, understandably, largely focused on the actions of the former prime minister. Apart from Matthew Ricketson’s [sharp analysis](#) in the Conversation, there has been little commentary on the conduct of Simon Benson and Geoff Chambers, the journalists who broke the news in the [Weekend Australian](#) in advance of publishing [a book](#) giving the ‘inside story’ of the Morrison government’s handling of the pandemic. Ricketson focuses on the question of the influence that insider access

can have on the story that is told. But apart from the issue of objectivity, there is Benson’s and Chambers’ decision to [keep the news from the public](#) for two years until Morrison had

left office and they had finished the book. This decision raises ethical questions that go to the very heart of journalism's role in a democratic society.

The [solicitor-general's advice](#) on the matter averred that Morrison's failure to inform the public and the parliament of his appointments 'fundamentally undermined' the 'principles of responsible government'. The question becomes: Is there a similar principle of responsible journalism that applies when the media have access to information that is not public knowledge? Do journalists have a duty to inform the public? As it happens, such a duty can be found in many professional journalistic codes. Standard 1 of Australia's professional journalistic code, the [MEAA Code of Ethics](#), states, 'Report and interpret honestly, striving for accuracy, fairness and disclosure of all essential facts. Do not suppress relevant available facts, or give distorting emphasis.' The Global Charter of Ethics for Journalists states that 'Respect for the facts and for the right of the public to truth is the first duty of the journalist.' And the preamble to the USA's Society of Professional Journalists' code reads, '... public enlightenment is the forerunner of justice and the foundation of democracy. Ethical journalism strives to ensure the free exchange of information that is accurate, fair and thorough.'

In their articulation of this principle, journalistic codes show that there is an important link between freedom of the press and the public's right to know. The first arises from the second. This is why, in being granted the privilege of access and the freedom to uncover and speak the truth, the press also has a duty to inform. Perhaps ironically, this link is made clear in the messaging of the [Right to Know media coalition](#), which counts Benson's and Chambers' employer, News Corp, among its members.



Michael Davis
CMT Research Fellow

The ongoing impacts of conflict

Who *should* tell stories about conflict? An easier question is: who *can* tell stories about conflict?

'The answer today, like never before, is *absolutely everyone*,' says David Tuck, Australian head of the International Committee of the Red Cross, or ICRC. 'The record of war is no longer handwritten letters, faithfully preserved by the ICRC's Central Tracing Agency in a vault somewhere in Geneva, but masses of data across thousands of platforms. Suddenly, and fortunately, people can be the masters of their own stories ... they are exposing crimes and demanding redress.'



Tuck was speaking at an in-person event at UTS, 'Who should tell stories about conflict?', part of [an ongoing partnership](#) between the ICRC and the CMT. The timing could not have been more apt. The event was held on August 19, which marked: [World Humanitarian Day](#); [Afghanistan's Independence Day](#); and almost exactly one year since the Taliban retook Afghanistan.

'But for all the positives, there are challenges too,' Tuck continued. 'Dis- and mis-information have always been core

business in war but today the scale and the reach are unprecedented. In 2022, it's not actually clear that all of those who are telling the stories of war are human. At best, the real picture, the true story, is increasingly difficult to discern. At worst, propaganda and hate speech, peddled by bots, risk inflaming tensions, causing further death, injury and destruction.'

After Tuck's introduction, a panel discussion featured *The Sun Herald's* Anthony Galloway and the ABC's Yaara Bou Melham, who have reported from the most challenging of conflict zones. Expert legal input came from UTS Law's Kathryn Greenman. Also on the panel was Marwa Moeen, who managed an unlikely escape from Kabul after the Taliban took control, helping 15 other young women escape too. Marwa has told her story [for the ABC](#) and in the documentary [Die. Or Die Trying.](#)

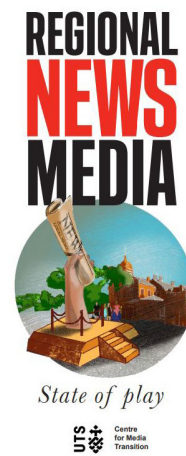
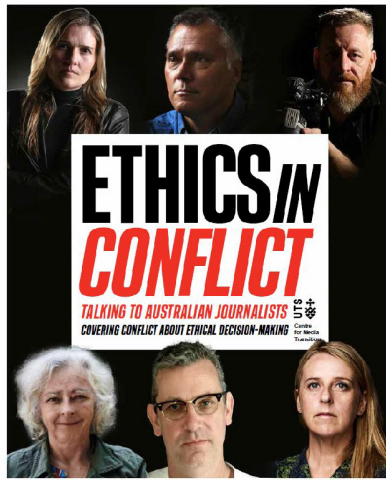
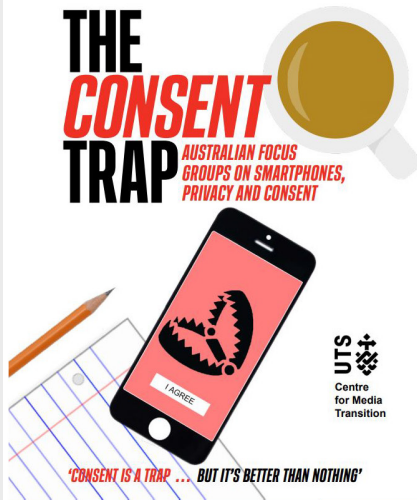
As Marwa says, her liberty owes a great deal to the journalists (and activists) who adopted her cause. And that's changed her life. In Kabul, Marwa had been studying business. In Australia, she will start studying a journalism degree next year at UTS, funded by a CMT/[MDA](#) scholarship. Her aim is to become a professional journalist, and to be one of those exposing crimes and demanding redress.

After the event, Marwa chatted with the other panellists, and quietly shed a tear. If anyone should be telling stories about conflict, it's her, but that doesn't mean it's easy.



Sacha Molitorisz
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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.



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