

# Centre for Media Transition



Hi there

## Improving the news



We have [argued before](#) that Australia's system of news media oversight is, to put it mildly, imperfect. This week, Richard Ackland was rather less mild about the Australian Press Council, or APC. 'The Louise Milligan case shows why the APC needs to be replaced,' [Ackland wrote](#) in the *Gazette of Law and Journalism*.

The Louise Milligan case concerns a complaint brought by Milligan, an ABC journalist, against *The Australian* newspaper for [an editorial](#) published in

June 2021, shortly after [Christian Porter dropped](#) his defamation action against Milligan and the ABC. The editorial was headlined, 'Greatest enemy of truth is those who conspire to lie'. It named Sally Neighbour and Louise Milligan, before ending, 'The most dangerous enemy of the journalist is bad, lazy, deceitful journalism.'

On September 5, more than two years after Milligan made her complaint, the APC [published its adjudication](#). The APC found a breach of General Principle 1 (ensure material is accurate and not misleading) and General Principle 3 (ensure material is presented with reasonable fairness and balance). Ironically, the editorial had extolled the virtues of journalistic accuracy, fairness and balance. The APC also found a breach of General Principle 6 (avoid causing substantial offence or distress without a sufficient public interest justification).

The details described by Ackland, a former host of *Media Watch*, are damning. According to the *GLJ*: the APC lost documents pertaining to the complaint; the APC failed to consider key aspects of the complaint; and procedural mismanagement of the complaint culminated in a two-year delay before a decision was reached, and only then after the complaint was belatedly shifted from the APC's staff and chair to an adjudication panel. Given such

cases, it's no wonder people are losing faith in news media. If breaches in news are accompanied by deficiencies in oversight, the only way is down.

Meanwhile, lack of journalistic accountability has led to [calls for news outlets](#) to be brought under the proposed misinformation bill. Rather than policing journalistic accuracy through legislation designed to combat online misinformation, journalism should get its own house in order by ensuring its news oversight system is robust and effective. All news, whether published on news sites or digital platforms, should be overseen by a coherent, cross-platform standards scheme.

Today's newsletter is all about making news better. From Cardiff in Wales, Monica reports on the latest in journalism scholarship; from the airwaves, Derek discusses the perils of undisclosed commercial deals on radio; and I team up with [Chris Ferrie](#) to explore what quantum physics can teach us about voting in the Voice referendum.



**Sacha Molitorisz**  
Senior Lecturer, UTS Law

## The journalism/research nexus



A Future of Journalism conference at Cardiff University in Wales last week heard from several scholars about the importance of connecting with industry practitioners – a subject that's been rather controversial over the years as journalists, pressed by time and lack of money, have found it hard to come up with solutions to the challenges posed by digital transformation. Not that journalists always listen to scholars. Indeed, many journalists bemoan the irrelevance of academic research to their everyday work experiences – even if many

journalism scholars are ex-journalists.

Among the challenges discussed at Cardiff was information disorder. While a critical part of the journalistic process is fact checking and verification, the information ecosystem is so polluted with poor information that it's often hard for journalists to know what's true and to find trustworthy sources of information. Thus, the rise of third-party fact checkers. But, as Dr Valerie Belair-Gagnon of the University of Minnesota noted, the move to external fact-checking programs, often funded by the digital platforms, raises further questions around neutrality. In Australia at least, news media organisations look to these external organisations to perform perhaps the most critical part of the journalism process. Generally, fact-checking organisations choose which stories to check, passing them on to the news organisation, and much of the result depends on the variable skill and

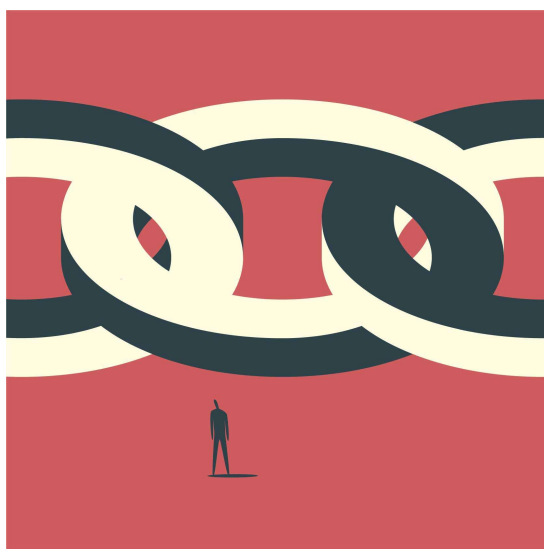
disposition of the fact checker.

Another challenge is the rise of alternative media and the decreasing trust in legacy media. None of this is made any easier by the way legacy media editors view these 'interlopers'. Researchers from Roskilde University in Denmark have been surveying legacy news editors in Scandinavia. The attitudes they encountered ranged from total lack of acceptance to mild tolerance. Editors told the researchers that alternative media journalists were 'not our colleagues but sometimes conduct acts of journalism' and 'can't be considered journalists because they don't act within an ethical system'. The editors also claimed alternative media produce opinion and act as PR agents for causes or organisations. That may be true of some, but not of others. And while some editors were happy to recognise the comparative success of alternative media, they seemed to position them as fake, peripheral and at best niche. All of which might go to prove that it's industry that might be a little out of touch.



**Monica Attard**  
CMT Co-Director

## Rapid radio disclosures



The expectation that commercial radio presenters will disclose agreements with sponsors is firmly entrenched in Australian broadcasting regulation. There has been a program standard covering current affairs programs on commercial radio for more than 20 years. Interest in that standard has been reignited in the past couple of weeks by reports in *The Australian* that the media regulator, the ACMA, is looking into arrangements at various Nine Radio stations about commercial agreements held by presenters at 4BC in Brisbane,

2GB in Sydney and 3AW in Melbourne.

In 1999, 'cash for comment' exploded as a media standards issue when the former Australian Broadcasting Authority launched its Commercial Radio Inquiry. The inquiry resulted in program standards that required the distinguishing of advertisements from editorial, on-air disclosure by presenters of commercial agreements and the publication by licensees of a register of agreements as well as other compliance activities. After a review of these standards in 2012, only the [Disclosure Standard](#) was retained in this form. ACMA remade this standard again last year, just before it was due to expire.

There hasn't been a long list of investigations over the life of the standard, but ACMA has taken enforcement action, including in 2021 when it issued a [remedial direction](#) to the licensee of 2GB (owned by Nine Radio) over a commercial agreement that the licensee

had with the Star Entertainment Group for Alan Jones to promote a proposed hotel development.

Back to the current issue, and the media writer at *The Australian*, Sophie Elsworth, has been digging into the Nine licensees' registers of commercial agreements, [starting last week](#) with the agreements held by Jacqui Felgate. Felgate has been filling in but is set to take over as Drive host at 3AW from the start of 2024. *The Australian* reported that 12 commercial agreements, said to be worth \$300,000 in total per year, were only disclosed after its first report on the matter.

This week, *The Australian* revealed that [4BC is also in ACMA's spotlight](#), again for possible omissions from its register of commercial agreements. Finally, [2GB is apparently the subject of additional ACMA inquiries](#), this time in relation to an alleged failure by Ben Fordham – when discussing Uber – to make an on-air disclosure that he has a commercial agreement with Uber. [That agreement](#) is listed on the 2GB website. As the circumstances are yet to be investigated, it's not clear whether the way in which the topic was discussed would trigger the obligation under the standard to make a disclosure statement.

*The Australian* also reported that an internal reminder went around at Nine Radio after the events last week that resulted in 20 commercial agreements appearing on the various licensee registers.

So far, we don't have the benefit of any factual findings from ACMA or an explanation from Nine, although ACMA has responded to inquiries from Elsworth to say that it is looking into all three matters. It would be both surprising and disappointing if Nine had overlooked its obligation to make the existence of the agreements public. This rule is well known and it's only two years since a Nine licensee was issued with a remedial direction for breaches of the same standard. And while the most important aspect is the on-air declaration at the time the sponsor is mentioned, an incomplete register makes it impossible to know whether the disclosure should be made. This, in turn, defeats the purpose of the scheme: to give listeners information that allows them to assess whether presenters' comments are, at least in part, motivated by a commercial influence.

In our [submission](#) to the remaking of the Disclosure Standard last year, we said there might be a need to reintroduce rules that require licensees to periodically report to ACMA on commercial agreements, instead of relying solely on licensees to take the initiative and update their own websites. If ACMA investigates these latest reports and finds breaches of the standard, the case for periodic reporting will be strengthened.



**Derek Wilding**  
CMT Co-Director

## Quantum Physics and the Voice



The Voice referendum on October 14 will be a significant moment in Australia's history. It has the potential to improve Australia immeasurably – or does it? Amid all the claims, counter-claims and outright BS, it can be hard to know what to believe.

Luckily, quantum physics can help. That's right. Not only can it help explain major mysteries of the universe, quantum physics can also guide us on how to vote in a referendum that concerns constitutional recognition of our Indigenous peoples. And

along the way, it can teach us about good journalism, and about fostering trust.

How? The first thing to realise is that quantum physics is difficult. It's about something we can't see, a part of the universe to which we don't have direct sensory access. Still, based on a mathematical theory developed 100 years ago, it has transformed society and our understanding of the cosmos. Unfortunately, some people deliberately exploit the difficulty of the theory to peddle their particular brand of snake oil. It might be 'quantum healing', 'quantum mysticism', 'quantum love', 'quantum crystals', 'quantum consciousness', 'quantum meditation', 'quantum energy' or 'quantum astrology', but it's all more bunkum than quantum. One of us has written a book about this, called *Quantum Bullsh\*t*. And quantum BS is rife. Type 'quantum physics' into a search engine and you'll be knee deep.

By contrast, a *genuine* understanding of quantum physics can give us major insights. It can give us glimpses of the *complexity of reality*. Our universe isn't easy to understand; the same goes for the political debates surrounding the Voice. The complexity revealed by quantum physics is similarly evident in the complexity of our politics. The political structures and the political discourse that constitute our democracy, encapsulating a wide range of contrasting interests, is confounding.

In the face of this complexity, where can we turn for clear guidance? The scientific method, naturally.

[Read more](#)



**Chris Ferrie**

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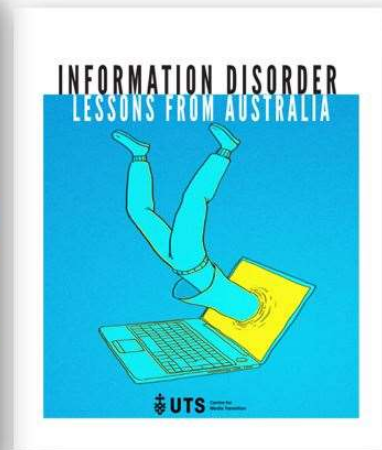
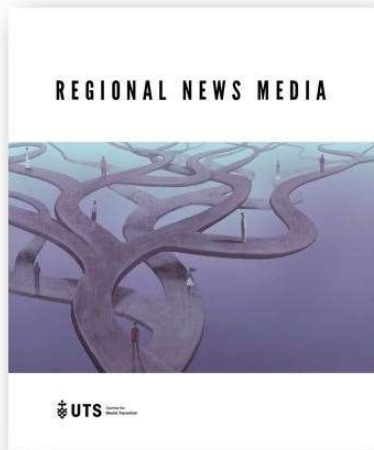
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The Centre for Media Transition and UTS acknowledges the Gadigal and Guring-gai people of the Eora Nation upon whose ancestral lands our university now stands. We pay respect to the Elders both past and present, acknowledging them as the traditional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



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