

Hi there

## What a week!



This week we see the results of the US election, which, just like the last one, is - all too often described by reporters as “the most consequential election in US history”. A Presidential election in the United States has dominated our front pages and the TV and radio news bulletins at the expense of Israel’s continued bombardment of Lebanon and Gaza, where thousands more have been killed, and the war in Ukraine, which looks to be reaching a nadir.

None of which is to say the election result won’t impact the outcomes of those two brutal, prolonged wars. Nor that the US election isn’t important to Australia. But news media’s role in shaping how Australians think and how Americans vote can’t be underestimated.

That’s why it was a shock when the owners of the Washington Post and the Los Angeles Times decided not to endorse a candidate. Both newspapers had prepared editorials to endorse Kamala Harris and her running mate Tim Waltz and in both cases the papers’ billionaire owners blocked publication. Both papers have paid a price too. More than 200,000 people have ended their subscriptions to the Washington Post, joining a chorus of critics calling the decision by owner Jeff Bezos an act of cowardice. At the LA Times, the editorial editor resigned in protest, followed by three of eight members of the paper’s editorial board.

Do newspaper endorsements make a difference to the way people vote? And if not, does it matter if the legacy right of newspapers to endorse a candidate in an election is not

exercised? Bezos argued endorsement of one candidate over the other would further erode public trust in journalism. One argument you'll sometimes hear is that audience mistrust stems largely from a perception that journalists aren't doing enough 'due diligence' on the stories they're reporting, that they're beholden to one or other political perspective, that they're not 'telling the truth'.

But in the US editorial endorsements are generally written by editorial boards, not reporters. They are based on how the expert members of an editorial board have assessed all the news from the campaigns run by the candidates and what those campaigns mean for the health of their democracy. The endorsements are opinions, not reportage. They are based on analysis, hopefully careful analysis, and they are not so much telling people how to vote but what they should take into account when they cast a ballot. Given that Jeff Bezos owns the commercial giant Amazon, it's reasonable to ask whether he overruled his paper's editorial board to protect his commercial interests, rather than opting to protect the right to careful analysis of what the election means for American democracy or to protect what trust remains in his papers journalism.

Newspaper endorsements probably don't sway the way people vote. As Professor David Mindich, of Temple's Klein College of Media and Communications has [noted](#) in 2016, almost all American newspapers endorsed Hillary Clinton – and she lost. But it matters to an information ecosystem polluted by mis and disinformation, with a largely unregulated social media talking to a mistrustful public, that careful analysis of the big issues such as truth and national sentiment is placed front and centre - whether the endorsement is for the Democrats or the Republicans. The critical issue for readers is that whatever the sway of the endorsement, it doesn't influence news coverage, where impartiality is – or should be – critical.

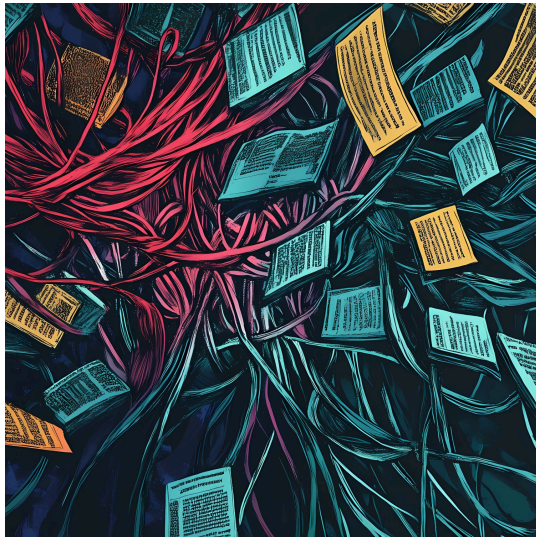
In this newsletter, Michael is looking at whether the government's attempt to place some control over the way digital platforms deal with mis and disinformation, with its Combatting Misinformation and Disinformation bill, has any hope of passing through the parliament to become law. Sacha is talking about the implications of Meta paying big bucks to Reuters so that Meta's AI chatbot can trawl Reuters' reporting when answering news queries, which is quite the development given Meta's decision to stop funding news companies in Australia. And Tamara is dissecting the complaints made to the ABC about its news reporting, as detailed in the annual ABC report.



**Monica Attard**  
CMT Co-Director

## Self-deprecating and inconsistent

In February, [Meta announced](#) it was 'deprecating' its Facebook News Tab. To translate that into plain English: Meta was saying it would not renew the deals it had made with



Australian news media businesses under the news media bargaining code. These deals were worth an estimated \$70million annually. Meta said that people no longer use its services to access news, so why should it pay?

News media businesses were outraged, pointing to [research showing](#) that nearly half of Australians use social media to access news. The government [was outraged](#) too, calling the abandonment of these deals a 'dereliction of [Meta's]

commitment to the sustainability of Australian news media.'

And now? Funny you should ask.

Last week news broke that Meta had struck a deal with a news media business to use its content. [As Axios reported](#), the multi-year deal was to use Reuters content to provide real-time answers to queries from US users of Meta's AI chatbot, which is integrated into various features on Facebook, Instagram, WhatsApp and Messenger. And as [Reuters itself reported](#): 'It comes at a time when the Facebook parent has been reducing news content on its services after criticism from regulators and publishers over misinformation and disagreement about revenue-sharing.'

The details of the deal have not been disclosed. That is, we don't know how much money changed hands. And note that Meta also has a fact-checking deal with Reuters. But last Friday, US users of Meta's chatbot were given access to real-time news from Reuters. Which means that Meta is paying to use journalism in the US, but not in Australia.

Meanwhile, two related developments. First, [new research reveals](#) that AI companies including Meta, Google and OpenAI use more news content to train their large language models than they admit. Second, the [latest advertising figures](#) from Meta, Google and other digital platforms show that ad revenue is booming. Meta ad sales are up 19 per cent year on year, with profits ballooning 35 per cent in the same period.

Australia's news media bargaining code was a response to a fundamental unfairness [identified by the competition regulator](#). News media creates content, but digital platforms profit from that content by hosting it and selling advertising against it. What's more, news is a public good. News and journalism serve the public interest, which makes this unfairness particularly egregious.

Lately, the news media bargaining code has copped a lot of flak. One less common criticism is that it prompted deals specifically for the use of news by Facebook News Tab and Google News Showcase, rather than by Meta and Google as a whole. This arrangement was something of a sleight of hand. It meant Meta could walk away from its commitments simply by 'deprecating', or killing off, its News Tab.

If news is valuable for Meta, that value surely stems from what news brings across all Meta's services, whether that be a specific social media service or an AI chatbot that functions across several of its services. After all, its services are interlinked, relying upon the flow of data (including user data) between them. This means that governments should look holistically at the benefits gained from news by these companies – be they Meta, Google, Microsoft, Apple, Amazon or any other digital platform.

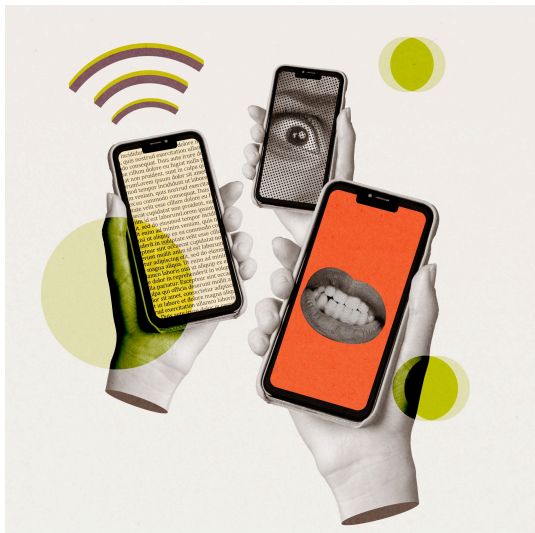
What we need now is a long-lasting solution for the relationship between platforms and news media that is fair and that serves public interest journalism. Perhaps that involves keeping and updating the news media bargaining code. Or perhaps, as [Hal Crawford writes](#), it could involve must-carry obligations and a public interest journalism levy. Indeed, CMT has been researching these options, and we'll publish a report soon.

Yesterday, [the PM announced](#) that under-16s will be banned from social media. Perhaps we're looking at a social media future where kids are banned and news is mandated, and where large digital platforms are all obligated to fund news that's in the public interest.



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## ABC complaints at five-year high



The ABC received almost 25,000 written complaints last financial year, according to its recently released [2023-2024 annual report](#). While most were general complaints relating to matters of taste or preference, 7,041 concerned specific ABC content in which 8,394 complaint issues were identified (such as bias, offence and inaccuracy). This is more than double the number of content complaints from the year prior, and the highest in five years.

So, what's going on? Did Bluey drop an F-bomb?

No, of course not. She would never.

In fact, the most complained about show of the year was a single episode of Q+A from [November 2023](#) about the Israel/Gaza conflict. The episode raised 1,974 complaint issues



of the 5,014 that were eventually reviewed by the ABC Ombudsman. Nearly all alleged the episode lacked impartiality because it was pro-Israel and contained unchallenged Islamophobia and racist comments. The [Ombudsman investigated](#) claims of impartiality as well as harm and offence against its Editorial Standards and found that the programme was not in breach. In total, 56% of those 5,014 complaint issues related to the war in Israel/Gaza and were not only directed at Q+A but 7.30, Four Corners and triple J's Hip Hop Show.

According to the annual report, Israel/Gaza – which included the October 7 Hamas attack and ensuing war – has been a big news event driving high audiences to the ABC. It notes that 'while complaint numbers are a useful reflection of audience engagement, often content that is uncomfortable attracts more criticism.' No kidding.

It's understandable that members of the audience are concerned about how the war is depicted. But it's also not the first time ABC has experienced 'complaint spikes' that might be suggestive of certain viewpoints or controversy around a topic. In 2021, the [ABC received over 400 complaints](#) when a breaking news report of Prince Philip's death interrupted an episode of TV drama, Vera. Those who loved Vera decried the interference, while others felt the coverage was too long or unnecessary. Then, in 2023, the organisation [received almost 2,000 responses](#) about its coronation coverage of King Charles III. However, the ABC clarified that only 169 were in 'good faith', as the rest didn't require a reply or they contained racist and abusive content, some of which was directed at Stan Grant who ultimately quit the ABC following racist abuse, including for his comments about the [coronation](#).

Complaints are to be expected, especially when a significant event occurs. This is perhaps why ABC dutifully included the following in the report: 'The ABC needs to be mindful of this tension to avoid being fearful of delivering on charter obligations to provide innovative and comprehensive programming while being thick skinned enough to clarify and explain decisions, acknowledge misjudgements and, where appropriate, apologise.'



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## Is transparency enough?

It's Senate estimates week, and two topics on the agenda for the Environment and Communications Committee were the forthcoming legislation on age limits for social media and the misinformation bill currently before the legislation committee. We've previously raised concerns about [both](#) these [potential reforms](#). One of those concerns is the government's piecemeal approach to platform regulation, which seeks to address particular areas of harm without addressing the fundamental problem – the lack of



accountability in how platforms operate.

The misinformation bill, at least, focuses on platform systems and processes. Clauses 67 and 68 of the bill leave discretion for content moderation with platforms; ACMA will have no role in assessing particular content, and under questioning by the committee, ACMA indicated that their main concern is transparency. But is transparency sufficient for accountability? Senator David Sharma pursued this line of questioning, though he was warned by the

chair not to stray into territory that is properly considered in the committee inquiry on the bill. The rub is this: If discretion for content moderation decisions and policies lies entirely with platforms, on what basis will ACMA be making an assessment about platform compliance with their obligations? In other words, how will they be held accountable?

ACMA's responses suggest that they consider the bulk of the work will be done by transparency obligations. If platforms do not have systems in place, or if they're not transparent about those systems, then ACMA would take enforcement action. But in addition to promoting transparency, the purpose of ACMA's new powers, as expressed in the EM, is, to "hold digital communications platform providers to account for the *effectiveness of actions* taken by them to counter the spread of misinformation and disinformation on their services" (my emphasis). When Sharma pressed on this point, ACMA chair Nerida O'Loughlin said that it is for platforms, not ACMA, to judge the effectiveness of their systems. ACMA would conduct research to see what the community thinks of platform efforts, and they would look at whether complaints were properly handled, but "We won't make a decision about whether they've got it right or not."

Similarly, with respect to Free TV's ongoing review of the commercial television code of practice, ACMA indicated that it would ask Free TV to provide all submissions on the bill, to gauge whether community sentiment was appropriately taken into account. The difference there, of course, is that ACMA has the power to hold broadcasters to account for the outcomes of their complaints-handling processes.

While the approach in the misinformation bill limits the potential for ACMA's powers to intrude unduly on freedom of expression, there's a risk that the bill will provide transparency without genuine accountability. For the latter, someone needs to be charged with, *inter alia*, looking at whether platform complaints are correctly resolved. Under the current voluntary code, this role is performed by an independent complaints committee, and perhaps ACMA contemplates such a body overseeing complaints under the co-regulatory system as well. But to provide genuine accountability, the bill should establish a body, independent of both industry and government, to determine if complaints are correctly resolved and require platforms to take account of its advice in their content moderation approaches, and ACMA to do so in its compliance assessments.

Still, this would provide accountability only for a small part of digital platform operations. For full accountability, a more comprehensive and holistic approach to platform regulation is needed.



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We hope you have enjoyed reading this edition of the *Centre for Media Transition newsletter* | Trump, complaints and a social media about face! | *Issue 21/2024*  
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