ACMA NEWS MEASUREMENT FRAMEWORK

Commercial Radio & Audio Submission

March 2023

Commercial Radio and Audio (**CRA**) is the industry body representing the interests of commercial radio broadcasters throughout Australia. CRA represents the entire Australian commercial radio industry, with 260 member stations, of which 220 are in regional and remote areas.

CRA welcomes the opportunity to respond to the ACMA's consultation paper '*A new framework for measuring media diversity in Australia*' (**Consultation Paper**), which discusses the ACMA's December 2020 paper *News in Australia: diversity and localism – News measurement framework*.

CRA supports the ACMA's efforts to review holistically the contemporary news market, and to measure the current levels of news throughout Australia. CRA considers that the broad outline of the framework has the potential to be an effective tool in measuring and tracking local news in Australia.

However, any such framework must be carefully constructed to ensure that it accurately catches the unique news content provided by the commercial radio and audio industry across remote, regional and metropolitan Australia.

The local commercial radio station is often the only source of hyper local news, content and emergency service information. This news may not always be traditional political or investigative journalism but it is nonetheless vital to many Australian communities. It must be accurately measured so that Government can develop appropriate policies to maximise the provision of news relevant to all Australian communities, particularly those in regional and remote areas.

Commercial radio stations provide an unrivalled level of hyper local news content. In particular:

- regional commercial radio stations are obliged to provide 3 hours a day of content local to the licence area;

- trigger affected regional stations must provide 12.5 minutes of local news per day during peak listening times;

- commercial radio stations are a vital source of emergency news and information during fires, floods and other emergencies.

The above content - along with scheduled news bulletins, ad hoc news items in other programs (such as breakfast radio), current affairs programs and related audio content (such as podcasts) - should all be recognised in any news measurement framework.

1. <u>**Recommendations**</u>

I. CRA broadly supports the news measurement framework as an effective tool for tracking local news in Australia, provided that it accurately catches the unique news content provided by commercial radio stations. This may be achieved by incorporating the below Recommendations.

II. Any news measurement framework must recognise the following types of commercial radio news content:

(a) legislated news and local content obligations applicable to commercial radio;

(b) scheduled news bulletins;

(c) ad hoc news items in non-news based programs (such as FM breakfast radio);

(d) current affairs/talk back programs; and

(e) news in related audio content (such as podcasts).

III. Any news measurement framework must accurately measure the unique news content provided by the commercial radio industry by including the following elements:

(a) the definition of 'news' must be sufficiently broad to capture news relevant to local Australian communities, particularly in regional and remote areas. In many parts of Australia, 'news' may also cover local events, emergency announcements, agricultural commodity prices and local sport. Such news is vital for local communities, contributing to local understanding, connections, social inclusion and regional resilience;

(b) an understanding that not all 'news' content relevant to local communities is political journalism or investigative journalism that has been traditionally classified as 'public interest' but is nonetheless of vital importance;

(c) inclusion of news related to emergencies. Regional commercial radio's unique role in providing emergency focused news is widely acknowledged as extremely valuable and must be included under any news measurement framework;

(d) inclusion of current affairs and talk back news content. Significant proportions of Australians access news through current affairs programming. This news based content should be included in any news measurement framework; and

(e) inclusion of repeated news stories. News stories reach different listeners at different times on different platforms. Repeated stories allow oxygen to be breathed into news. This gives stories an appropriate time in the news cycle and

allow them to be developed and contextualised through exposure. 'Originality' should not be used as an indicator of localism or news value.

IV.   CRA broadly agrees that the news measurement tool should be limited to 'professional' sources of news. However, this is subject to the following caveats:

(a) the news source test must apply to cross platform content created by broadcasters, such as podcasts, online news, online only streams and catch-up radio;

(b) news contained within non-news programs or as an adjunct to other content must be included; and

(c) the news source test should not replicate the 'professional standards test' in the News Media Bargaining Code, as there are significant flaws in that test.

V.   The news measurement framework should address 'localism' holistically and not simply by reference to broadcast licence areas. The spread of population across very large areas in Australia means that 'local' cannot be measured simply by reference to geographic proximity. Localism is not a solely geographic construct. Issues occurring within a licence area, or an LGA, or a socially/culturally accepted 'region' may be considered as important as events occurring within pre-defined licence areas.

VI.   Radio plays a unique part in Australian local communities, shaping a sense of identity and social cohesion by broadcasting live and local community information. There is a genuine interest and focus on issues that affect local communities, some of which may extend beyond a traditional 'news' definition. The ACMA should look closely at the community information provided by local stations and measure it as part of any news measurement framework. The existence of this type of highly localised content is fundamental to any policy directed at preserving localism.

VII.   Industry should be given the opportunity to review and check the data on which any news measurement framework is based. The commercial radio industry understands its content and audiences better than anyone, and is best placed to supply and verify the data. This should include seeking industry's views on:

(a) definitions of localism; and

(b) scope of news content.

VIII.   The news measurement framework should include a mechanism by which media can update data at reasonable intervals, to ensure that the tracking element of the tool is effective and the measurement remains accurate.

2. Is the proposed framework an effective tool for tracking local news in Australia? (Question 2)

In its current form CRA does not believe that the tool would be effective. However, it could be effective if it were to incorporate the above Recommendations, so that it is better able to measure the news content on commercial radio and related audio services across Australia.

Commercial radio has one of the most onerous legislated Australian news and local content frameworks in Australia and consequently is one of the most important sources of local news and content, particularly in regional Australia.

3. Any news measurement framework must accurately measure the unique news content provided by the commercial radio industry (Questions 2 and 5)

The local commercial radio station is often the only source of hyper local news, content and emergency service information.

This news may not always be traditional political or investigative journalism but it is nonetheless vital to many Australian communities. It must be accurately measured so that Government can develop appropriate policies to maximise the provision of news relevant to all Australian communities.

(a) Provision of uniquely hyper local content

Commercial radio has one of the most onerous legislated Australian content frameworks in Australia and consequently is one of the most important sources of local news and content, particularly in regional Australia. The legislated regime should be the starting point for any news measurement framework.

Regional stations must broadcast at least 3 hours of local content between 5am and 8pm on business days.[1]

'Local content' does not simply mean Australian content – it means content local to the licence area (of which there are 104 in Australia). No other platform provides this level of hyper localism and engagement with local Australian communities.

Regional stations affected by a 'trigger event' (broadly a change of control) must meet additional obligations regarding local content and news, including the broadcast of 12.5 minutes of local news per day in perpetuity:

Stations must also maintain local staffing levels and facilities from three months prior to the trigger event for a period of 24 months starting from the date of the trigger event.[2]

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[1] Hours of Local Content Declaration.

[2] Section 7, Local Presence Licence Condition.

(b) Radio provides unique access to emergency information

Live and local broadcast radio is an essential service in times of emergency. Broadcast radio is often the last communication channel still working, especially in cars, where Australians are away from a TV screen and mobile networks are congested or have failed.

Over 80% of Australians listen to commercial radio. When Australians are forced to leave their homes and communities due to natural disaster, they turn to radio in their cars - 78% of Australians listen to the radio in the car and 31% of all listening takes place in cars. The provision of emergency news and information is of utmost importance and should be measured in any news measurement framework.

Social media algorithms may serve users with out of date information - such as outdated emergency alerts – whereas the immediacy of radio/audio instils confidence (and indeed comfort) for audiences seeking information in the most stressful of times. This is reinforced time and time again by audio listeners' comments during times of emergency.

The commercial radio industry has hundreds of examples of emergency service broadcasts across Australia, particularly in regional and remote areas. Here is a small selection:

Triple M Mid North Coast (March 2021 floods):

- 24/7 broadcasting was maintained to ensure that the local community was updated with information they needed to stay safe – including notification of evacuation centres and information relay from the SES and other emergency services.

- Mayor of Port Macquarie-Hastings Council, Pita Pinson, said that

  Á familiar and friendly voice on the radio has helped keep some level of normality and calm during what has been such a difficult time for our region.

2ST and Power FM (2022 floods):

- In 2022, the Shoalhaven and Highlands had three separate flooding/wild weather events, which saw evacuations, low level flooding, significant road damage and road closures.

- Late February, early March was the most difficult period, with a major road between Nowra and Bowral cut off due to land slips and damaged roads. Announcers were in the studios at night and across the weekends keeping people up to date with the rising water levels and the traffic situation especially on the Shoalhaven River and surrounding areas.

- Listeners became the station's eyes and ears as Council were unable to keep up with the closure of roads and the sheer inundation of water on roads around the area. Callers were urged to provide information while off air team members trawled through social media to get the most up to date info available. This required all staff to assist including sales and admin.

(c) Radio's focus on issues that affect local communities

Radio plays a unique part in Australian local communities, shaping a sense of identity and social cohesion by broadcasting live and local community information. There is a genuine interest and focus on issues that affect local communities, some of which may extend beyond a traditional 'news' definition.

In many cases, news and community information are intertwined. The news measurement framework must recognise this in order to capture news content that is relevant to local Australian communities.

News (both from a metropolitan and regional perspective) is multi-layered. A story that may start as a piece of 'community information' may form part of a larger trend or issue, which is or becomes news.

CRA urges the ACMA to look closely at the community information provided by local commercial radio stations and to consider measuring it as part of a news measurement framework. The existence of this type of content is fundamental to any policy directed at preserving localism.

The socially inclusive role that radio plays in local communities is demonstrated by the following examples (and there are many more):

Triple M Brisbane (2019)

- $90,000 was raised through Rural Aid to assist Rural Queenslanders affected by the drought.

- Over 4 days, Triple M's Big Breakfast travelled through western QLD, visiting 3 rural towns broadcasting live from each and hosting a comedy show each night.

- The aim was to share stories of communities, farmers and locals with the people of Brisbane in a bid to help Rural Aid raise funds for drought relief.

3CS/Mixx FM

- In August 2020, Colac was going through a surge of COVID 19 cases, with 130 reported in a town of 10,000 (the highest per capita rate in regional Australia). 3CS/Mixx FM was able to rally Colac and its businesses to look after each other and bring the cases "Back to none".

- The radio station encouraged the community to wear masks and enforce the city's lockdown to curb the spread before the Premier even implemented state-wide lockdowns. The station worked closely with its local hospital and provided information to the community to keep them well-informed and calm.

(d) Inclusion of current affairs programming as news

Talk back is a format that many Australians use to investigate and issues of public significance in the news. There are few formats more effective in engaging Australians in public debate.

Talk back radio also is an original source of news through its interviews. For example, the Prime Minister may do an interview on a current affairs program, in which policy initiatives are discussed or even announced. This is widely reported by other news outlets throughout the day.

Many listeners use current affairs talk back radio as a key source of news, and it must be included in any news measurement framework.

4. **Proposed scope of the news market (Questions 3 and 5)**

CRA agrees broadly that the news measurement tool should be limited to 'professional' sources of news that can show a connection to Australia, as personal blogs, forums and advocacy groups without sufficient editorial independence should not be caught.

However, CRA's support is subject to 3 key caveats:

(a) The news source test must apply to news content across platforms, such as podcasts, online news, online only streams and catch-up radio.

Podcasts, online news content, streams and catch up radio must be included in addition to the broadcast content. These are all key platforms on which commercial radio broadcasters deliver their news. Failure to include these platforms would provide an incomplete and skewed picture of news consumption.

In some cases, the online content is connected to the primary broadcast. For example, a current affairs program could do an online only spin off, exploring news issues in more detail. In other cases, the online content is fresh content but must still be measured as part of the licensee's news output.

(b) News contained within programs or as an adjunct to other content must be included.

News is frequently consumed as an adjunct to other content but this does not mean it is not important. Any news measurement framework must reflect contemporary news consumption patterns. It is not unusual for politicians to give interviews to FM breakfast radio. This is a key source of news for listeners (and such interviews are frequently reported on by other news media outlets throughout the day, sometimes forming a headline news story).

Audiences do not delineate programs from bulletins when they consider how they get their news. For some individuals, news received in an FM breakfast show will be their primary source of news. This should be measured.

The measurement framework must also have the capacity to recognise the various ways people will access audio news and news adjacent programming, such as radios, smart speakers and mobile devices.

*(c) The news source test should not replicate the 'professional standards test' in the News Media Bargaining Code (**NMBC***).*

The NMBC test requires that news content is subject to a relevant professional code. This creates difficulties for the commercial radio industry, as the Full Federal Court has concluded that online simulcasts of radio programs are not 'broadcasts'.[3]

This means that radio content communicated online – whether simulcast or not – are not subject to the *Commercial Radio Code of Practice* and would not be considered news content under the NMBC professional standards test (unless a separate additional code is developed to apply to the online content).

The 'professional source' test applied to the ACMA must include all news produced by a radio broadcaster, whether it is communicated on air or online. The ACMA should not replicate the flawed approach taken under the NMBC.

5. <u>Originality should not be a measure of localism (Questions 4 and 5)</u>

CRA has concerns regarding the use of originality as a measure of localism.[4]

News stories reach different listeners at different times on different platforms. Repeated stories allow oxygen to be breathed into news. This gives stories an appropriate time in the news cycle and allow them to be developed and contextualised through exposure.

For example, a car crash story is shared on radio 8 times, the paper or television gets an interview with the witness or driver, then a local breakfast show may follow up the next morning with calls about how bad that stretch of road is, then a digital article may run a poll to then lobby council for changes.

It is important to understand the value of radio/audio's ability to provide fresh perspectives on a story, by repeating and adding to it. Even if the content remains the same, the frequency and repetition of news stories caters for a diversity of audience behaviours. This is particularly important in post Covid times, where flexible working is the norm, and many community members do not fit into a 9 to 5 working day

As a practical matter, it will be extremely difficult for the ACMA to operate any framework that depends on 'originality' as the genesis of a news story is very hard to pin down, and news stories naturally evolve over time.

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[3] *Phonographic Performance Company of Australia Ltd v Commercial Radio Australia Ltd* [2013] FCAFC 11.

[4] Page 3, Consultation Paper.

Any news measurement framework must include measurement of repeated news stories, as these are a valuable part of the news cycle.

6. Data (Questions 7, 8 and 9)

The evidence base must be complete and accurate, given the intention to use it to support policy interventions and inform longer term considerations on media reform.[5]

Review of Data

Industry should be given the opportunity to review and check the data on which any news measurement framework is based.

The commercial radio industry understands its content and audiences better than anyone, and is best placed to supply and verify the data.

Localism

The news measurement framework should address 'localism' holistically and not simply by reference to broadcast licence areas. The spread of population across very large areas in Australia means that 'local' cannot be measured simply by reference to geographic proximity. For example, many Mount Isa residents consider Townsville news as local, despite being hundreds of kilometres apart and in separate licence areas, as it is the nearest large town.

The word 'relevance' is important in this context, as localism is not a solely geographic construct. Issues occurring within a licence area, or an LGA, or a socially/culturally accepted 'region' may be considered as important (or more important) that events occurring within these pre defined areas.

The ACMA is welcome to speak to the commercial radio industry on issues relating to localism, to ensure a full understanding of communities' news needs and engagement.

Terminology

The definition of various roles within the news industry must be robust and possibly differentiate between on air work and newsgathering capacity, as an investigative journalist's daily work will differ considerably from a news reporter or news reader.

The ACMA should seek industry's advice on this terminology.

CRA would be pleased to provide any additional information needed to assist this inquiry. Please contact Sarah Kruger (Head of Policy and Legal Affairs) with any questions.

Commercial Radio & Audio

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[5] Page 1, Consultation Paper.