



Submission to the ACMA on a new framework for measuring media diversity in Australia

March 2023

Executive Summary

We are a non-partisan association committed to researching and advocating for media diversity in Australia. Our core objective is legal reform to ensure a strong, free and diverse Australian media, which we believe is best achieved by implementing the recommendation of the Australian Senate's Media Diversity Inquiry for an inquiry with the powers of a royal commission.

We welcome the ACMA's acknowledgment that Australia needs a new framework for measuring how localised and diverse our news landscape is. The consultation paper presents a valuable starting point, but it is deficient in important ways.

For example, we are deeply concerned about the decision to keep standpoint diversity, impartiality and barriers to access out of scope because they are considered too difficult to measure. This is wrongheaded. Whether or not something is measured should depend on its importance to the public interest. On that metric, these matters are fundamental. If they are difficult to measure, that should motivate authorities to continuously develop and refine its methodology. The sooner this process starts, the sooner we will have usable data.

We are also very concerned about how the data would be collected. The sample size being contemplated is far too inadequate, and the logic of extrapolating broader conclusions from community "geotypes" is faulty. The proposal would also overlook country communities, which struggle for media diversity, and would adversely overlook First Nations communities. We also propose to use state or federal electoral divisions – which are regularly drawn by independent commissions into roughly equal populations corresponding to communities of interest – rather than local government authorities, which are political creations of state parliaments.

We also doubt the ability of the ACMA to properly implement any new framework. The regulator is already struggling to discharge its responsibilities, such as investigations under industry codes of practice. We recommend that academic institutions and appropriate civil society organisations be responsible for holding and analysing data, while the ACMA report on regulatory impacts. This would also provide a valuable check on the ACMA by support alternative loci of expertise.

Question 1: Do you consider the framework, as outlined in the paper, would be an effective tool in measuring and tracking levels of media diversity in Australia?

The final model must not consider outlets and diversity measures in isolation. For instance, if one source is disseminated across multiple platforms, that should generally count against diversity rather than for it. Outlets that reach more Australians should be expected to demonstrate greater diversity than local, independent or niche outlets across all categories. Outlets should also be expected to meet minimum thresholds in different categories of diversity, and consideration should be given to the priority of diversity measures.

We find troubling the naïve notion that “for the purposes of measuring viewpoints, the number of sources referred to in news stories could be viewed as a proxy of the availability of multiple perspectives or viewpoints being examined by the news environment”. When well-resourced outlets flex their muscles for the purposes of pursuing an agenda, they will devote those resources to finding sources that expressly agree with their perspective – the more the better. They may also distort the presentation of these sources. For example, Sky News recently invited Mark Sherwood – a US naturopath, social media influencer and political candidate – to give his “medical opinion” on the coronavirus vaccines; this is not because no Australian doctors were willing to give this opinion, but because they had the resources to go shopping for the opinions they wanted to project.

Additionally, we believe it would be useful for the ACMA to consider measuring trends of media groupthink. This may be as simple as measuring the growth of popular phrases used against commonly vilified groups. For example, tracking information about certain phrases – such as “African gangs” in relation to young Australians of African heritage, “dole bludgers” in relation to the long-term unemployed, and “cultural Marxism” which perpetuates antisemitic tropes – would be valuable in understanding how these phrases are propagated by media, and help separate original reporting from copycat trends.

Question 2: Do you consider the framework, as outlined in the paper, would be an effective tool in measuring and tracking the health of local news in Australia?

The need to preserve and support local news is acute. While we support gathering data on the local news landscape, it is already reasonably well understood that local media diversity is weak and weakening. For this reason, the ACMA’s mapping task should be completed rapidly by sourcing whatever data already exists, so that the focus can shift to a forward-looking program. For example, the ACMA could avoid waste and duplication by adequately fund the PIJI’s Australian Newsroom Mapping Project and the Australian News Sampling Project as ongoing public resources.

More information is also required in terms of how the research will be updated or conducted, and what the implications of an unhealthy landscape would be.

Question 3: Do you agree with the proposed scope of the news market?

We have some concerns to the proposed scope of the news market.

The proposal to include sources that have “an ongoing local presence or attract a high level of consumption within Australia” is amorphous. What constitutes an ongoing local presence? Does it include a foreign-based outlet that employs Australian correspondents? How many correspondents does it need? What should their output be? What if it they have no full-time correspondents, but numerous regular Australian contributors? And what is a “high level of consumption”? How regularly will the list of media outlets be audited? And how will the ACMA identify the sources to be added or subtracted? These questions need to be answered before stakeholders can provide advice.

If implemented, the model outlined by the consultation paper would be obsolete on arrival. And, if it is not carefully administered, it would be open to manipulation by media companies seeking to diversity-wash.

The ACMA should reconsider its decision to exclude sources of “citizen journalism”, especially in communities where local news services are powered by volunteers. This can include websites, radio stations and even newspapers. Instead, the ACMA would be better to include sources where the outlets have agreed to be accountable under a code of conduct such as the LINA Editorial Standards, MEAA Code of Ethics, Community Broadcasting Code or their own bespoke published standards.

Question 4: Do you agree with the proposed key measures of diversity and localism?

We agree with the measures of diversity with the caveats outlined in response to Question 1 which, if ignored, would doom the scheme to failure in terms of striking at the heart of the problem of media concentration in Australian democracy.

In regards to localism, we disagree with Local Government Authorities as the appropriate measurement tool to provide an accurate snapshot for the prevalence of local news. This is because LGAs are political inventions – the creations of state parliaments that are notoriously reluctant to redraw boundaries to reflect changes on the ground. This means the scheme would have vastly different impacts in jurisdictions where councils have been amalgamated, such as NSW and Queensland. The suggestion that localities with fewer than 10,000 people may also be discounted would entrench a two-tier system, punishing the communities that are more likely to struggle for local news, including many First Nations communities.

This would be compounded by the proposal to select only 20 LGAs. The notion that media diversity can be evaluated across a “geotype” in an environment of market failure is simply fanciful. Our media markets are too much of an ad-hoc patchwork;

they vary wildly depending on the history and personalities who have shaped media in those localities.

Instead, we propose the scheme rely on a larger number of Commonwealth Electoral Divisions. In contrast to LGAs, the 151 CEDs are redrawn at regular intervals by an independent authority with unimpeachable integrity with the express purpose of grouping communities of interest into communities of equivalent population. If CEDs are too populous, the option is available to use an even larger sample of State and Territory Electoral Districts instead. Either of these options would be a superior choice.

There must also be further explanation of the term “local”. For example, a news broadcast where the stories are substantially gathered locally but anchored from elsewhere (to save money on anchors and studios) might be considered local. But where the local reporters provide only window-dressing for a product that is largely repackaged from a metropolitan outlet, that should not be counted. Further, if the source does not freely exercise editorial independence from its owner – or if that freedom is not real, and merely notional – it should not be considered to be a unique local news source.

Question 5: Would you recommend any additions or changes to the proposed framework and/or its underlying key indicators?

We second the submission of First Nations Media Australia:

“First Nations media organisations are the primary providers of First Nations news and current affairs to their communities and are the key providers of mainstream news and current affairs to their communities in forms that are appropriate and relevant. Limiting the scope of the news market to that based on western concepts of ‘media’, ‘news sources’ and how production occurs runs the very real risk of excluding much of the diversity that the new Framework seeks to measure.”

We therefore commend to the ACMA its recommendations regarding the measures of media workforce diversity, First Nations representation/participation and accessibility.

Question 6: Do you have views on whether the framework adequately considers the impact of social media and other digital platforms on media diversity, or if new or alternative measurement approaches are required?

We are troubled by the ACMA’s position on social media in relation to the most prominent commentators, particularly journalists, whose employers encourage or require them to post to social media for professional purposes. It is therefore important to count these figures, not just the output of their employers’ corporate accounts.

In considering this matter, we urge you to consider the comments of Royal Commissioner Catherine Holmes who she described Robodebt coverage of the kind that would be captured by this proposal as being of “patchy” quality. Meanwhile, she said the Twitter coverage provided “a remarkably useful and important public service”. These were not just professional journalists, but academics and advocates.

It should not be difficult to work out which accounts to count, given the wealth of data available on social media traffic.

Question 7: Is there any additional third-party research or data that could be relevant to help inform the final design and/or implementation of the ACMA’s news measurement framework?

We doubt the ability of the ACMA to properly implement any new framework. The regulator is already struggling to discharge its responsibilities, such as investigations under industry codes of practice. We recommend that academic institutions and appropriate civil society organisations be responsible for holding and analysing data, while the ACMA report on regulatory impacts. This would also provide a valuable check on the ACMA by support alternative loci of expertise.

These may include: PIJI, Media Diversity Australia, First Nations Media Australia, LINA, the Community Broadcasting Association of Australia, the National Ethnic and Multicultural Broadcasters Council, the Centre for Media Transition at the University of Sydney and the Centre for Advancing Journalism at the University of Melbourne.

Question 8: Should the ACMA seek to incorporate and build on existing third-party data when implementing its news measurement framework?

We encourage the ACMA to gather information from the community media sector, independent and local news sources and their peak bodies as representing the coal-face of the media diversity crisis in Australia.

The ACMA should also consult extensively with the Media Entertainment and Arts Alliance as the professional body of media workers who are affected by media diversity in highly personal ways.

For example, an underreported aspect of media concentration is the tendency for journalists to endure harassment and abuse – or feel compelled to breach ethical standards – because the employment market is uncompetitive. In such circumstances, journalists face the invidious decision to either put up with being badly treated or be run out of their industry all together.

Question 9: Are there any restrictions or barriers to the acquisition, sharing or use of proposed third-party research or data that we should be aware of?

In sourcing information from third-party sources, it is essential that the ACMA provide adequate and sustainable levels of funding for this intelligence to empower their timely and high in quality.

Question 10: What are the most significant outstanding data gaps, and how should these be prioritised?

The most significant outstanding data gaps are:

1. Employment data, including workforce diversity, in the media sector (including data by career stage and seniority);
2. Comprehensive data about the allocation of government advertising (a critical source of revenue for smaller media);
3. Revenue directed to media companies after the passage of the News Media Bargaining Code and how much of that money has been reinvested in journalism (which we industry sources tell us is very little in some cases).

Question 11: Do you have views on potential pilot projects that the ACMA could undertake in 2023? What should be the ACMA's ongoing role in relation to these news measurement activities?

Whatever form the ACMA's next projects entail, they must ensure that its reporting reflects genuine behaviour and is not susceptible to diversity-washing by outlets. This includes recognising superficial barriers between outlets that create the illusion of diversity or independence where they are under the same effective control.

Question 12: Are there opportunities for the ACMA to collaborate with research organisations to help implement the news measurement framework?

The ACMA should, as much as possible, outsource the collection and administration of data to external institutions whether in academia or civil society. There are several compelling reasons for this.

First, the ACMA's resources are already severely strained. We currently have a series of complaints before ACMA, which have been with you for more than a year, to which we have received no correspondence other than to confirm receipt. It seems highly unlikely that ACMA would be able to discharge these further responsibilities.

Outsource the collection and analysis of data to bodies outside of the ACMA would establish a contractual obligation on the part of those institutions to deliver on time. It

would also provide a valuable check on the ACMA by establishing alternative loci of expertise.

Finally, it would free up the ACMA to focus on reporting on the regulatory issues elucidated by the data.

Question 13: Are there any current or emerging technologies that could be considered by the ACMA to assist in content analysis or to help implement other aspects of the news measurement framework?

We would invite ACMA to solicit this information from potential partners through the contracting process.