

# Submission from ALAN SUNDERLAND to the Consultation Process—News Media Assistance Program—January 2024

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## Current roles:

- Board Member, [Local and Independent News Association](#)
- Independent Journalist Member, [Australian Press Council](#)
- Board Member, [ABC Alumni](#)
- Public Fund Committee Member, [Walkley Foundation](#)
- Author, [The Ten Rules of Reporting](#), Simon & Schuster, 2022

## Former roles:

- Executive Director, [Organization of News Ombudsmen](#) 2019-2023
- Editorial Director, [Australian Broadcasting Corporation](#) 2013-2019
- Reporter and News Executive, ABC & SBS, 1979-2019

While my submission is informed by both my former and current roles, it is a personal submission that expresses my own views.

*I have approached my submission by addressing, in order and in a general way, the questions raised in the consultation paper, but by concentrating only on those questions where I feel I have some points I wish to make, and omitting those where I have neither the expertise nor the interest to make any useful suggestions.*

*I have also included some broad general comments at the end of my submission.*

## **QUESTION 1: ACCESSIBILITY OF NEWS**

The primary view that informs my submission is that public interest news reporting<sup>1</sup> is a public good like any other (for example, roads, education, hospitals) in a democracy, as citizens need timely access to independent, accurate and reliable information about the society they are part of if they are to fulfil their democratic responsibilities.

As a result, the Government needs to approach the issue of access to news in the same way that it considers access to any other vital service. The difference, of course, is that it would be inappropriate for the Government to directly involve itself in the provision of news, since news by its definition must be editorially independent from Government influence or control.

But a role for government in ensuring access to public interest reporting is essential, as market forces will not, themselves, guarantee appropriate levels of access. The [Public Interest Journalism Initiative](#) has mapped the extent of ‘news deserts’ across Australia, where there is a lack of access to independent, accurate news, especially at a local and/or regional level. This has been driven not by a decline in public interest in independent local news ([quite the contrary](#)) but in adverse market conditions for news providers.

While most Australians continue to have reasonable access to international, national and (to a lesser extent) state and territory news, the loss of access to public interest reporting is most keenly felt at a local level. It is here where the greatest number of newspaper closures have taken place, largely as a result of the economies of scale. The continuing public interest in local news is evident in the rise of [small, hyperlocal news providers](#) who attempt to fill the gaps. Until very recently, these small providers have struggled for recognition, industry support and access to funding. This is slowly changing, but the change needs to accelerate.

The focus for government action in this area must be carefully targeted to benefit those news providers who can demonstrate that they are actively engaged in delivering public

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<sup>1</sup> I prefer the term ‘reporting’ to ‘journalism’, as journalism encompasses a wide range of content including opinion, chat, reviews, commentary and discussion or chat programs. Reporting is fact-driven, impartial and includes appropriate diverse perspectives.

interest reporting at a local level, rather than simply delivering unspecified content of little or no value. Keeping printing presses rolling or providing tax breaks or access to grant funding to established media brands simply because they are established media brands does little to enhance access when, for example, the only journalists regularly attending council meetings or covering detailed hyperlocal development and other public issues are those working for new, small hyperlocal digital outlets on Facebook or other platforms. Assistance should be focussed on those news providers that can demonstrate that they are actually providing independent, accurate news content of local matters of public interest, and that they are doing so according to a recognised code of ethics that is both transparent and effective.

## QUESTION 2: QUALITY OF NEWS

I think 'quality' is the wrong term for the government to consider when assessing news. A better term would be 'ethics'.

Quality is far too vague a concept. For example, a news story can be badly written with grammatical or spelling errors. Audio content can be poorly recorded or edited. Video content can be amateurishly presented or unimaginatively illustrated. A good news provider will be mindful of all these quality issues, and will work to improve them according to their means.

Ethics, on the other hand, relates to the editorial standards that govern the gathering, production, publishing and broadcasting of news. While news organisations (with the exception of public broadcasters) can express their own views on issues, take stands, run editorials or characterise themselves as progressive, conservative etc., they should all without exception commit to a core of fundamental editorial principles when it comes to their actual news reporting. This is an internationally accepted obligation of responsible journalism. It is reflected both in the various broadcast [codes of practice](#) registered with ACMA and the [basic principles](#) of the Australian Press Council, which counts among its members News Corp, Nine and a host of smaller publishers and news producers. These principles (succinctly encapsulated in this [frankly marvellous slim volume](#)) include accuracy, impartiality, independence and accountability.

When it comes to considering issues of quality in determining how and why to support the delivery of public interest news to the Australian public, these are the only hallmarks that should matter.

However, it is important that the Government not set itself up as the arbiter of whether or not these ethical standards are being met. Australia needs a strong, independent media

council that is industry-led but involves members of the public as well. The Government (as is the case in places like [Finland](#)) may well provide some arms-length funding to such a council, but must have no role in appointing any members of it or influencing any judgements it may make.

Currently, the Australian Press Council presents itself as a potential candidate to develop into such a council, but the Government can and should do more to encourage that evolution (which is already partly underway). It can best do this by:

- reducing the role of ACMA to determining the fitness of media companies to hold spectrum licences, based in part on how well their ethical performance is judged by the independent media council, rather than by any editorial or ethical findings ACMA itself makes, as is currently the case
- ensuring that any news provider who wishes to access any Government assistance, tax breaks or other financial or legal benefits available to them must be a member of this independent media council. At present (for example with the News Media Bargaining Code), news providers must simply commit to abiding by appropriate editorial standards. This is far too vague.
- taking any other steps necessary to encourage the creation of a single, independent media council that oversees complaints and editorial issues equally for all news providers, including the public broadcasters.

### **QUESTION 3: DIVERSITY OF NEWS**

Traditionally in Australia, the issue of diversity in news has largely been confined to ‘how much Murdoch is too much Murdoch’. The focus has been on proprietors and the need to ensure they do not control too much of the media market, with little focus or regard on the make-up of the newsrooms themselves and the extent to which they reflect the communities they serve.

In my view, the more that business models for journalism come under pressure, the less things like cross media ownership laws and other measures to prevent media concentration remain a high priority. It is certainly the case that the concentration of the news media in too few hands increases the risk of a powerful single voice controlling the flow of information.

Having said that, I think the best way to prevent such a damaging concentration is:

- To support and properly fund public broadcasting

- To ensure (as per the section above in relation to ethics) that those news providers who do exist in the marketplace, regardless of size, operate according to appropriate ethical standards
- To err on the side of encouraging new entrants to the industry as much as possible through grants and tax incentives

In my view, the more important aspect of media diversity is ensuring as much diversity as possible within newsrooms, so that the makeup of a newsroom (in terms of gender, ethnicity and other measures) reflects, as far as possible, the community it is drawn from.

Although I consider this to be important, I do not see a direct role for the Government, other than one: to provide incentives and financial assistance to encourage as wide a range of people as possible to take up the career of news reporting, and to support them to do so.

#### **QUESTION 4: ENGAGEMENT**

In my view, people will engage with news that they trust and find relevant, and they will particularly engage with news media that proactively encourages their engagement.

An appropriate set of editorial standards for the news media will include accountability as one of the key principles, and if done properly, part of accountability involves being transparent and developing open lines of communication with the public.

There is no particular approach I would identify for the Government in this, other than taking the steps outlined earlier to ensure it encourages and supports ethical journalism and ensures that any and all financial incentives and other practical assistance it provides (including the various legal protections afforded to journalists) is targeted squarely at those who behave ethically, as judged by the independent media council.

Beyond that, if there are further actions the Government can take, it would be in the area of media literacy and other steps in the education sector to help develop a strong public understanding of what ethical news reporting is, and how to recognise it.

#### **QUESTION 5: DIRECT FUNDING**

There is no doubt that public funding has a role to play in supporting public interest news reporting in a democracy.

Once it is understood that public interest reporting is a public good, and that the market is increasingly incapable of delivering it (in a world where the link between advertising revenue and journalism has been undermined by the internet), then the role for public funding becomes clear.

All the Government needs to do is understand that, due to the very particular nature of news reporting and the central importance of genuine independence as it scrutinises and holds to account those in power, any public funding provided by the Government must be done with no conditions, no inappropriate strings attached and no attempt to influence or control. Historically, as the fraught relationship with the ABC makes clear, governments have been very bad at this.

There is a tendency for funding to be seen as 'government' funding rather than 'public' funding that the government of the day has stewardship of. There is a reluctance among governments to fund things they cannot fully control. As a result, despite the clear statutory independence of both the ABC and SBS, successive governments in Australia have a 'patchy' history at best of honouring that independence. There have been regular and repeated attempts to stack the ABC Board with appointments that are politically aligned with the government of the day, there have been regular outbreaks of politically motivated complaints and public attacks, and most significantly, cuts and freezes in funding have been used to punish or damage a public broadcaster seen to be insufficiently supportive of the Government. This is by no means a complete picture - for the most part, governments of all political persuasions have continued to fund and support (in principle) an independent and effective system of public broadcasting, and they are to be commended for that. The simple fact that the ABC will soon be celebrating its centenary is testament both to the ongoing high levels of trust and support it has among the Australian public, and the continued commitment of all sides of Australian politics to its importance and ongoing health. But the regular attacks, funding cuts and political bullying continue to be a feature of the relationship.

So the first area where the Government needs to make changes is to improve and strengthen the way the public broadcasters are funded. This has, of course, been canvassed in earlier inquiries and reviews. Not only should decisions about the amount of funding for public broadcasting be taken out of the political processes and subject to independent, rigorous assessment (if it can be done for politician's salaries, it can be done for our broadcasters), but the existing processes to ensure board members are appointed on merit via independent assessment should be strengthened too.

This can then serve as a model for any other direct funding interventions by the Government in the news media.

Having determined that support needs to be provided, for example, to eliminate news deserts in rural and regional areas or to generally support the development of a more ethical and standards-driven news media, the Government could utilise independent industry bodies (like the news media council or an appropriate industry body like [LINA](#)) to ensure the recipients are chosen according to appropriate criteria.

## **QUESTION 8: GOVERNMENT ADVERTISING**

Government advertising can play a significant role in providing revenue streams for media, but it is essential that this be done appropriately. I do not believe that it should be confused with policy decisions to provide grants or other support to the news media, or that it should be manipulated to achieve any purposes other than that for which it is intended, which is to publicise government activities, announcements and initiatives. Once you start using it for other purposes, it subverts the nature of the process.

Having said that, the current processes for government advertising are problematic in that they stipulate, in many cases, that a certain percentage of advertising should be placed with local and regional news providers, but this is not extended to online or digital news providers at a local and regional level. This 'loophole' should be closed so that the criteria is the nature of the news service (i.e. a local or regional one) rather than the medium through which it is delivered.

At all times, such initiatives (stipulating that advertising is placed across all diverse areas of the news media) should be tied to proper assessments of the need to ensure that the advertising itself is effective and finds an appropriately diverse and representative audience.

In other words, I support clarity of purpose. Government advertising spend is for the purposes of advertising government activities and should not be repurposed as a way to support the news media financially - if this happens, it is incidental.

Direct financial assistance for the purpose of supporting public interest journalism as a public good needs to be identified clearly as being just that.

## QUESTION 9: REGULATION

To a large extent, this issue has been canvassed earlier.

Regulation of the news media should be the responsibility of the industry itself, through a robust, transparent and effective self-regulatory model that includes appropriate public involvement. It may feature a degree of Government funding in recognition of its vital role in delivering a public good, but this should only ever be a minority of funding and it should not be accompanied by any influence, control, pressure or any other factors that have the capacity to undermine the independence of the news industry.

Other decisions that Governments may make - for example, how to provide access to broadcast spectrum or how to deliver public grants and assistance or offer tax benefits or legal protections in areas like defamation or national security - may have regard to whether specific news providers are 'in good standing' according to their own industry, but that is only possible if the government has no influence or involvement in those matters.

Regardless of the medium of delivery, the question of who should be subject to regulation should, in my view, be determined by editorial responsibility. To the greatest extent possible, it should be a requirement that any news content which is published makes clear the identity of the person, company or organisation that is accepting editorial responsibility for that content. It is that entity who would be required, in the Australian market, to subject themselves to regulation and accountability by the independent media council.

Some examples, both of how things currently work and of how they should work:

- If the ABC broadcasts BBC content on its own airwaves, the ABC needs to accept editorial responsibility for that content as the publisher or broadcaster, even though it did not produce the content itself. If it shares the content on a social media platform via an official account, the same would apply. This is currently the case and it works well, ensuring that the public broadcaster will only enter into news content agreements with providers that share similar editorial standards.
- Similarly, if a newspaper has a presence on digital or social media platforms, it is editorially responsible for the content it sources and publishes or republishes.



- When it comes to the big platforms like Facebook, Google and Apple, I see two different scenarios that flow from these key principles:
  - If a platform is simply being provided for a news provider to publish news material on a site that provider is identified as 'owning' (like the official website for The Australian or the Facebook page for the Sydney Morning Herald), then editorial responsibility for that content belongs to the news provider identified. In those circumstances, Facebook, Google or Apple are simply platforms that host content for which others are editorially responsible.
  - If a platform chooses to collate news content into a site or platform of its own and present it in that form (like Google News or Apple News) then the platform creator is accepting editorial responsibility in the Australian market for that content, regardless of its original source. This principle is the same as the ABC accepting responsibility for any BBC, CNN or Al Jazeera content it chooses to publish or broadcast on the platforms it controls.
  - To assist in this working smoothly, the major platforms like Facebook, Google etc... would be deemed by default to be editorially responsible for news content they host unless the identity of the person, company or organisation editorially responsible for that content is made clear.

## **CLOSING OBSERVATIONS**

It is essential to the future of public interest journalism that a clear distinction is made between fact-based, fair and impartial REPORTING and the other elements of journalism including commentary and opinion.

If we see the value of reporting on, interrogating and holding to account those with power, then it is essential that this occurs at all levels – local, regional, state and national governments – as well as in relation to corporate and social power.

The rights, privileges and protections of public interest reporting (which, by the way, are inadequate and incomplete in Australia) come with responsibilities, and those responsibilities involve a commitment to appropriate editorial standards. You can't have one without the other.

The enforcement of those standards should rely on a self-regulatory model, involving a partnership between news providers and the public. ACMA should be confined to regulating spectrum, and taking into account the findings of self-regulation when considering fitness to hold a licence.

Public broadcasting has never been more vital at a time of collapsing business models, and a mechanism needs to be found for its funding to be removed from political manoeuvring. Local journalism needs to be supported by a range of measures, including micro-grants to encourage civic and public interest reporting. The provision of that funding should be at arm's length from the government.