

## Response to Impartiality and commercial influence in broadcast news

Matthew Henley – [REDACTED]

### Elements of Impartiality:

1. *Considering the various elements of impartiality, such as balance, fairness, and diversity of viewpoints, do any of the elements deserve greater regulatory emphasis in the current media environment?*
  - The item of greatest concern within the media in Australia is factuality. Fairness will always be biased based on the channel and its targeted audience, but this should never come at the cost of the facts. Facts have become the victim of the recent shift in news reporting, it's very common to see it either misrepresented (eg: The project recently showing a video of a woman saying "he's not my prime minister" to ScoMo turned out to be because she was British and he genuinely wasn't her prime minister, Sky News is also fantastic at it, they will spend 5 minutes ranting about the lack of facts in the news then the next 5 sprouting utter BS making claims about so called scientific "facts" which the scientists themselves have told them is a blatant lie).  
Another favored trick is quotations of people need to be accurate identical quotations or they are just interpretations, they reword a quote and change its meaning then claim ignorance to the fact that they have changed it when challenged saying the meaning hasn't changed (when in fact it has).  
It needs to be made very clear what is a fact (ie: quoted directly from a source), and what is an opinion (ie: whatever rubbish the reporters made up).
  
2. *Is a common understanding of, and consistent regulatory approach to, impartiality desirable or feasible? What principles and definitions would enable consistency across different sectors or platforms?*
  - Yes this would be desirable, there needs to be clear definitions of what can be claimed as a fact or 'news' (which should be factual) and what is just an opinion. Eg: facts need to be quoted directly from sources not manipulated. Better information of the requirements might help with compliance, additionally better understanding of how to challenge these ones misleading is needed.
  
3. *To what extent should the regulatory approach distinguish between news and current affairs?*
  - There should be no regulatory difference between news and current affairs, the broadcasters cross between the two, so make it so they both need to follow the same rules for declaring what is fact and what is opinion (this could be as simple as a declaration at the start of a showing stating that they following is the opinion of the presenters only and does not comply with news factuality. This is especially important when the lines are blurred as exemplified by Sky News which presents all it's shows as

'news' whilst most would actually be considered current affairs (or fiction if it was a book classification).

4. *How should the distinction between factual material and commentary or analysis be applied to hybrid programs that include, for example, news updates followed by panel-based discussions? How can this distinction be made clear to viewers?*
  - A simple declaration at the beginning of the article stating the article is an opinion would be sufficient, this works ok for paid advertisements, it would be a minor inconvenience.
  
5. *What transparency measures might help to effectively and appropriately safeguard the impartiality of news? What are the practical implications of strengthening transparency measures?*
  - Any 'news' articles would require a statement of reference to be listed on the stations website within a specified timeframe giving things like sources (if sources want to remain anonymous, then it's an opinion not a fact, this would give the viewers a chance to see how much of the story the show changed from the original eg: a research report stating the Maldives would be uninhabitable due to salt contamination in the water supply by the 2030s turned into an article declaring that it would be underwater by that date, easy to identify if you have the source, 2hrs of work to track it down currently.

Other Models and additional principles:

6. *Are there alternative or overseas approaches to impartiality which may provide better community safeguards?*
  - Not that I am aware of, this problem seems to occur everywhere in the world.
  
7. *Are there other principles or considerations not included in this paper that the ACMA should have regard to in its consideration of regulating impartiality in news broadcasting?*
  - Better methods to challenge the fake news reporting, for example a few weeks ago Sky News (yes they are terrible and influence our government hence I've noticed a lot lately), put out an article ranting about the misinformation during the Australian bushfires, carrying on about how the "other" media outlets had misled the country etc etc etc (which granted at times was true), the problem then fell for the next 5 minutes where they make a declaration of "here are the facts" then proceed to sprout so many lies that scientists have told them to stop using their names as their sources because they misrepresent or just blatantly lied about what the scientists have said. To combat this there needs to be a method by which if this is spotted by a member of the public that member can write to the broadcaster and request a correction by presenting the error they made, (particularly easy when talking about scientific papers which are some of the most lied about subjects in the media), the broadcaster should be forced to broadcast a correction within a specified timeframe (preferably sooner rather than later) and on the same show or if unavailable during the same timeslot. If they fail

to comply a complaint should be able to be made to the regulator and if the news is proven incorrect then the broadcaster should face significant penalties including public admittance of failing to comply, fines and possible removal of license. When they complain it's too hard simply tell them to either do their jobs properly or get out of the news business and declare everything as an opinion not supported by fact, simple really.

Commercial relationships:

8. *Does the paper capture the broad types of commercial arrangement?*
  - As far as I can tell yes.
9. *Do current ACMA-administered regulatory measures provide adequate and appropriate community safeguards that address the various types of commercial arrangement?*
  - In the history of ever self-regulation has been effective exactly zero times (IMO) so I'd say I doubt it.
10. *To what extent should regulation address the perception of commercial influence and the 'soft' influence of advertisers in addition to explicit commercial arrangements?*
  - Make the broadcasters publish a list of anyone they have a commercial arrangement with on their websites relating to various articles. It's not perfect and to be fair, it really shouldn't matter who pays them so long as they are factual, but it can affect opinion very heavily and if a broadcaster is heavily supported by say a Coal Mining company and all their articles are telling everyone that coal mining is the greatest thing on the planet or that "clean coal" actually exists (incase anyone isn't clear, Clean Coal is as likely as a unicorn or dragons), then people should be aware of a potential conflict of interest and then they can make their own decision (kind of like what we do with politicians.... Although granted they often don't declare it either, so it would require someone to enforce it with heavy penalties for non-compliance).
11. *What are the benefits or otherwise of the various approaches to transparency such as disclosure or distinguishability?*
  - It grants people the opportunity to make up their own minds, it also removes the ambiguity currently employed by many to blur the lines (ie: blatantly lie) between fact and fiction. A declaration during the broadcast of an item being an opinion at least gives a trigger for people to question if they are being 100% truthful and providing things like sources of information will help solidify if the news agency is being factual or a misleading opinion, over time some broadcasters will grow a reputation for accuracy and others will lose their credibility bringing back some semblance of reliability to news.
12. *Can disclosure requirements be adequately acquitted through websites or program credits, rather than in real time during the broadcast?*
  - Mostly yes, a simple general disclosure of News (fact) or Opinion should occur during the actual broadcast to prevent covering up which is which (as happens now with certain "news" shows), but the bulk of disclosure on a website should be sufficient (a notification of where to find the info should be in the credits).

13. *Are distinguishability requirements best directed to advertisers (e.g. through the AANA Code of Ethics), broadcasters (e.g. through industry codes of practice) or both?*
- BOTH, everyone is entitled to their opinion (even if they are wrong, which many are), but it should be distinguishable. Eg: the clean coal power plant ads they were played a while back were total utter rubbish, there was nothing clean about them, they were only marginally cleaner than the old plants we already have, yet that myth that there are clean coal power plants is used regularly in debates by people who are anti renewable energy.
14. *Do current legislative requirements for the disclosure of cross-media interests within an individual licence area provide adequate identification of related interests? Are these still appropriate within the current media environment of networked services? Is 'business affairs' suitably defined?*
- To a degree, I don't know enough about current legislation to comment with any certainty either way.
15. *Is a consistent regulatory approach to commercial influence desirable or feasible? What principles would enable consistency across different sectors or platforms?*
- Yes, it is feasible as discussed about, simple declarations which take a couple of seconds and further information provided on websites would be sufficient. Same rules for all.
16. *Should there be consistency in the application and use of terms across codes of practice, such as 'news', 'current affairs', 'advertising', 'commercial arrangements' and 'program material'? If so, what should those definitions be?*
- Yes, there needs to be consistency to prevent the public being confused, if only 'news' shows are required to be truthful unless declared otherwise then people watching 'current affairs' or 'advertising' will be easily misled as they expect the same rules to apply across all categories.

Other models and additional principles:

17. *Are there alternative or overseas approaches to commercial influence not touched on in this paper that may provide more effective or more appropriate community safeguards?*
- I am unaware of any.
18. *Are there other principles or considerations not included in this paper that the ACMA should have regard to in its consideration of regulating commercial influence?*
- Not that I am aware of.

In Summary: this is a very important subject to be tackling, I am regularly in contact with politicians who are heavily influenced by news and current affair programs when making decisions on how the country is being run (they don't have time to read and interpret all the data), to see the influence these broadcasters have and the way they routinely abuse the trust people have put in them is horrendous.