

28 February 2020

Policy Submission

Response to ACMA Consultation on the Impartiality and Commercial Influence in Broadcast News

To: *The Manager, Content Projects and Policy Section - ACMA*

From: *Responsible Technology Australia*

Responsible Technology Australia (RTA) would like to thank the Australian Communications and Media Authority (ACMA) for the opportunity to comment on the current regulatory arrangements that safeguard the impartiality and integrity of broadcast news and current affairs.

WHO WE ARE

RTA is an independent organisation committed to ensuring a just digital environment. We seek to ensure the safety of Australian citizens online whilst advocating for a free business ecosystem that values innovation and competition. In particular, we are concerned with the unregulated environment in which digital platforms currently exist and advocate for a considered approach to address issues of safety and threats to democracy whilst ensuring economic prosperity.

CONTEXT

In Australia, 43% of the population primarily consume news online. Whilst only 18% of Australians state that social media is their main news source, when comparing with younger Australians (Generation Y and Z) this number jumps up significantly to 33% and 47% respectively¹.

It is important to recognise that the digital platforms (such as Facebook and YouTube) have designed their business models to profit off of the retention of user attention. As mentioned in the Discussion Paper, this 'attention economy', rewards direct audience engagement with individual stories. This is done through the unfettered collection of personal data to build out comprehensive profiles of their users that encapsulate their interests, vices, triggers and vulnerabilities. The algorithms then use this information to feed tailored content that is calculated to have the greatest potential of keeping users engaged. This content has been shown to lean toward the extreme and sensational, as it is more likely to be captivating^{2,3}.

As usage of the digital platforms (such as Facebook and YouTube) as a news source becomes more ubiquitous, this rise should be of great concern. From disinformation and fake news to the misinformative spread of conspiracy theories driving polarisation, the effects of a weakening Fourth Estate will be felt as a weakening of our democracy, institutions and communities.

Whilst it is stated that the ACMA does not have a role in registering codes of practice that apply to online news, we would think that there is still a strong role the ACMA can play through its power over ensuring impartiality within commercial broadcasting. Through enforcing strict codes of practice on commercial and subscription television and radio, the ACMA has significant influence over what type of content gets distributed online through the digital platforms.

We believe that the objective of this consultation is to ensure that all Australians have access to fair and accurate information to be able to civically engage, participate in our democracy and get involved in their local communities - as such it is impossible to separate out the intended outcomes of ensuring impartiality and commercial influence in broadcast news with what happens online.

However, as we recognise that our remit is outside the direct scope of this consultation our submission will primarily focus on calling for a harmonised framework and independent regulator to ensure that this issue (which intersects intimately with many sectors) is approached in a considered, nuanced and comprehensive way.

¹ University of Canberra (2019) 'Digital News Report: Australia'

² Vosoughi et al. (2018), 'The spread of true and false news online', *Science* found at <https://science.sciencemag.org/content/359/6380/1146>

³ Nicas (2 Feb 2018), 'How YouTube Drives People to the Internet's Darkest Corners', *Wall Street Journal* found at <https://www.wsj.com/articles/how-youtube-drives-viewers-to-the-internets-darkest-corners-1518020478>

RECOMMENDATION: A HARMONISED FRAMEWORK - AN INDEPENDENT REGULATOR

The ACMA should work with the Australian Government to explore whether an independent regulator whose role it is to evidence and assess the harms of emergent online technologies should be newly created or incorporated into an existing structure/body through an expansion of powers and remits (Office of the eSafety Commissioner, ACCC, ACMA or otherwise). This approach would also ensure that the approach to ensure impartiality within broadcast news is harmonised with news distributed online and through the digital platforms.

Whilst there might be natural alignment for this to be housed within the Office of the eSafety Commissioner, due to the pervasive ways that unfettered user data collection and algorithmic amplification affect our society especially in the spread of news, it can be seen that there are significant overlapping responsibilities with (but not limited to) the ACCC, Defence, Australian Intelligence Community, Attorney-General's Department and in particular the ACMA. Consolidating responsibility within a centralised and independent body will ensure that coordination and delivery is efficient and timely.

The possibility of the creation of a new entity, adequately equipped, empowered and resourced (most likely through an industry levy that takes into account factors such as size and scope of impact) to deal with the current and evolving harms should be explored. Whilst there are benefits to this approach such as allowing the independent regulator to better consolidate knowledge and learnings across Government portfolios and functions, be properly equipped to liaise with the civil, academic and private sector, and house the necessary technical expertise for governance, research and enforcement. There are also many risks, such as the inefficiencies and potential loss of skill in starting up a new Government body and the lack of clarity in how this new regulator would interact with existing bodies. This needs a proper assessment of how best to enable this regulatory system.

In response to the Discussion Paper's issues for comment around what compromises impartiality, balance, fairness and diversity of viewpoints, the approach to distinguish between news and current affairs and the distinction between commentary and analysis within hybrid programs - we believe that the complexity of these questions are compounded within the context of the digital environment.

Not only has the line between fact and opinion become increasingly hard to distinguish, the speed in which these platforms can disseminate and propagate information gives rise to a new cadre of social harm.

We believe that to adequately understand the current and future dynamics and interplay of news, information and society as well as how we might begin to regulate for public best interest, a dedicated regulator resourced to interrogate, audit and research these issues within the context of an online digital environment is absolutely required to fill the current gaps in knowledge.

CONCLUSION

RTA acknowledges the scale of the task ahead to ensure a harmonised, nuanced and considered approach. We look forward to working together to bring about the best outcomes for businesses, consumers and society at large.

Should the ACMA have any further questions or require further information, we are happy to engage further.

Regards,

Responsible Technology Australia

For any further comment or clarification, please direct enquiries to:

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