

# ACMA news media bargaining code eligibility assessment report

**News business name:** Pro Bono Australia

**News business ID:** ACMA-NBC-3115JQDW17

**News sources:** Pro Bono News

**Date submitted:** 23/06/2021

**Link to CRM entry:** [Click here to open the CRM record in a new window](#)

**Initial assessor:** Lachlan Habgood (Ag EL1)

**QA assessor:** Elizabeth Press (EL2)

**Officer recommendation:** Eligible

## Revenue test

**Assessment:** Pass

The annual revenue for Pro Bono Australia (Pty Ltd) Publications Pty Ltd, the applicant corporation, exceeded the \$150,000.00 threshold for the financial year ending 30 June 2020. The applicant provided a company Tax return for the f/y 2019/20, the most recent financial year.

However, the applicant did not provide a signed statutory declaration from the CFO, registered certified practising accountant or chartered accountant indicating the reported revenue is true and accurate and prepared in accordance with generally accepted accounting principles. Instead, the applicant provided a letter from a director of a chartered accountancy firm stating the income for Pro Bono Australia Pty Ltd exceeded the \$150,000.00 threshold.

The applicant has failed to provide sufficient information to meet this test, however, further information should be sought.

### **Additional information received**

The Applicant provided a response on 31 July 2021 with a statutory declaration from chartered accountant declaring that the reported revenue for the financial statement attached to the statutory declaration (for Pro Bono Australia Pty Ltd for the year ended 30 June 2020) is true and accurate and prepared in accordance with generally accepted accounting principles. The attached financial statement states that the revenue for Pro Bono Australia Pty Ltd exceeded the \$150,000.00 threshold for the financial year ending 30 June 2020. The applicant meets this eligibility test.

## Professional standards test

**Assessment:** Pass

The applicant states it is subject to the APC standards. A review of the APC Constituent list indicates Pro Bono Pty Ltd is listed on the APC Constituent list. However, this is not the applicant corporation name or applicant news business name submitted in the application ('Pro Bono Australia'). A review of the ASIC

register for Pro Bono Pty Ltd was conducted and found that Pro Bono Pty Ltd is an Australian Company, with an ABN and ACN that is different to the applicant corporation 'Pro Bono Australia'. A further review of the business name holder register on the ASIC database did not establish an actual link between the 2 entities.

Given the lack of apparent link between that applicant name and the APC constituent member (despite the name similarities), it is recommended that information be sought from the applicant to establish if and how the applicant corporation and news business is connected to the entity Pro Bono Pty Ltd. This will enable the ACMA to determine if applicant entity is actually subject to the APC Standards of Practice. [This information was requested by the ACMA via email on Wednesday 14 July 2021]

#### **Internal editorial standards**

A review of the applicant website found a link to editorial standards (on the main page and on the news page) that are based on the APC General Principles and contain standards relating to accuracy and clarity, fairness and balance and privacy, integrity and transparency. The internal standards meet the threshold of being analogous to the professional standards test and are readily available to users.

However, a review of the main and news pages could not locate a complaints handling mechanism that is analogous to the professional standards test. Subject to any clarifying information provided by the applicant regarding the applicants membership of the APC, it is recommended that the applicant has demonstrated it has internal editorial standards that meet the threshold but not a complaints handling mechanism that meets the professional standards test.

The applicant states it is not owned or controlled by a party with political or commercial interest.

#### **Applicant response to the Preliminary decision**

In a telephone conversation on 4 August 2021, the Applicant informed the ACMA that it was on the APC constituents list and that the APC had made an error with its name. The Applicant stated it is trying to resolve this issue with the APC and has sought to have the name on the membership match its Applicant corporation name.

The Applicant also stated it had updated its website to include a page for complaints handling. A review was conducted on 6 August 2021. The website material, at <https://www.probonoaustralia.com.au> was found to have a link titled 'Complaints process' located at the bottom of the page. Clicking this link takes the user to a page titled 'Pro Bone News Complaints Page'. This page details a complaints handling mechanism that provides an email address and street address for complainants to lodge their complaint, an explanation of the types of complaints that can be made and a detailed explanation explaining how the complaint will be resolved.

As the internal editorial standards and complaints handling process meet the threshold of being analogous to the professional standards test, the Applicant has met this test.

## Content test

Initial assessment: Pass

The applicant provided <https://www.probonoaustralia.com.au> as the news source link to the news source content (which contains digital editions), along with additional links at: <https://probonoaustralia.com.au/news/>, <https://twitter.com/ProBonoNews>, <https://www.facebook.com/ProBonoAustralia>, <https://www.linkedin.com/groups/3005951/> and [inkl.com](http://inkl.com)

### **News source link - <https://www.probonoaustralia.com.au>**

A review of the content on this link was conducted on 08/07/2021. The content on this page is limited and contains no core news content. The page promotes the outcomes of a 2021 Salary Survey report that was recently released by Pro Bono under the heading 'What's new'. The page also contains a heading 'Who we are' with a link to find out more. There is also a Heading 'Partner with us' inviting users to contact Pro Bono.

The About page describes the Pro Bono site as being intended to help people and organisations improve and grow all areas under the 'umbrella' economy (charities, not for profits, impact investing, philanthropy, volunteering, corporate social responsibility, and social enterprise).

There are 3 other links on the main page under the heading 'What we do' titled News, Careers and Resources. The news link takes the user to the news page whereas the links to the Careers or Resources comprise of a search engine for job seekers and information about current grant opportunities, an event calendar and Pro Bono Webinars, etc. There are other links including a Source directory for relevant suppliers of services. <https://www.probonoaustralia.com.au> cannot be assessed as a news source with the primary purpose of creating core news content.

### **Additional links**

The applicant also submitted <https://probonoaustralia.com.au/news/> as a link to the nominated news source. The News page comprises a number of links to articles and other content that focuses on reporting of social issues.

Our preliminary view is that while the news source <https://www.probonoaustralia.com.au> would not meet the content test, the news section of the Pro Bono website at <https://probonoaustralia.com.au/news/> may meet this criterion. As has been the case with other NMBC applications, the applicant should be advised that a narrower news source could be applied but that the general site <https://www.probonoaustralia.com.au> does not have the primary purpose to create core news.

### **Response to the preliminary view**

The applicant responded to the preliminary view on 11/08/2021 requesting that its news source link be changed from <https://www.probonoaustralia.com.au> to [www.probonoaustralia.com.au/news](https://www.probonoaustralia.com.au/news) (which resolves to <https://probonoaustralia.com.au/news/> when accessed) as a link for the news source.

A review of this news source link was conducted on 14/08/2021. The News page comprises a number of links to articles and other content that focuses on reporting of social issues. There is some content that would likely meet the core news



definition in the Code, such as 'New funding for digital transformation hub', 'Senate urged to stand up for charities', Advocate hope homelessness report mark new era of Commonwealth management'. These articles are presented with prominence at the top of the page. Other articles on this page appear to also meet the core news definition of explaining issues of events of public significance. It is noted that there is some content on the news source landing page that does not meet the core news definition, for example content listed under the Banner 'From Our Sponsors'. These articles appear to be paid for content.

The News page contains a top ribbon with links to other news page sections (policy, social affairs, fund raising, governance, innovation etc). Holding the cursor over each heading link reveals multiple sub headings that takes the user to specific content within that group. For example, the Policy heading contains sub heading links to content concerning advocacy, charity regulation. Government funding, politics and welfare.

While it is clear that the news is targeted towards the applicant's definition of the site being social economy, on review it is considered that the majority of content would likely be of interest and relevance to a wide spread audience.

A general review of this content found it was prepared and presented in a journalistic manner, reporting facts and also commenting on possible policy and social implications for the broadcast community. It is considered that the content constitutes core news as it reports, investigates and explains current issues relevant at engaging Australians in public debate. The content also features matters of public significance at a local, regional and national level. The core news content is given prominence compared with the prominence given to other content featured on a dedicated news page within the broader site which has fashion and beauty content.

The applicant meets this criterion.

## Australian audiences test

Initial assessment: Pass

The content from the submitted <https://probonoaustralia.com.au/> website provides a contact address in Melbourne Vic as the base of operations. The content is clearly targeted at audiences in Australia. The contact page also contains a Vic phone number for contact.

The applicant meets this criterion.

## Connection requirements

Initial assessment: Pass

An ABN search of the submitted ABN 53 090 770 666 confirms it is for Pro Bono Australia Pty Ltd, a registered Australian private company.

The applicant submitted a statutory declaration stating that it controls the news business.

## Recommendation for further information (if applicable)

Decision maker: Elizabeth Press (EL2)

### Comments from decision maker

At the QA stage the application needed additional information  
Additional information revenue test - It is recommended that the applicant provide a signed statutory declaration from the CFO, registered certified practising accountant or chartered accountant indicating the reported revenue is true and accurate and prepared in accordance with generally accepted accounting principles.

Additional information editorial standards - it is recommended additional information is needed to determine the link between that applicant name and the APC constituent member (despite the name similarities), it is recommended that information be sought from the applicant to establish if and how the applicant corporation and news business is connected to the entity Pro Bono Pty Ltd.

## Recommendation Preliminary decision (if applicable)

Decision maker: Elizabeth Press (EL2)

### Comments from decision maker

The preliminary assessment of the news source shows

1. The application appears to have been completed correctly.
2. The applicant has provided a Statutory Declaration from their accountant that the revenue statement was prepared in accordance with generally accepted accounting principles and passes the revenue test.
3. The news source purports to be a member of the ACP and follow up checks on this shows the applicant passes this criterion. The applicant attests it is not owned or controlled by a party with a political or commercial interest.
4. The news source provided in the application is a general website rather than a site that produces core news as its primary purpose. There is a news section within the broader website that is focused news around philanthropy and not for profit business activities. The preliminary view is that the general site could not be categorised as meeting the definition of core news.
5. The news source passes the Australian audience test as it operates in Melbourne for the purposes of an Australia-wide audience.
6. The Applicant passes the connection requirement.

As the preliminary view is that the applicant fails the content test, an email sharing this view is recommended. That email should advise the content test is not met but that applicants could amend the application to focus only on the news parts of its website.

## Final decision

Decision-maker: Elizabeth Press (EL2)

Date of final decision: 16 August 2021

Final decision: Pass

Comments from decision maker

Australian  
Communications  
and Media Authority  
[www.acma.gov.au](http://www.acma.gov.au)

The applicant responded to the preliminary view that it had not met the content test by providing a more narrowly focussed part of its website for registration. This news source link was conducted on 14/08/2021 and I agree with the assessment that the News page comprises a number of links to articles and other content that focuses on reporting of social issues.

I note the articles on this part of the website are presented with prominence and meet the core news definition of explaining issues of events of public significance.

Having satisfied all the eligibility criteria, I agree the applicant should be registered.



Signature of delegated officer:

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Name: Elizabeth Press

Date: 16 August 2021