

# ACMA news media bargaining code eligibility assessment report

**News business name:** PRIMER

**News business ID:** ACMA-NBC-1890DCZA28

**News sources:** PRIMER

**Date submitted:** 29/06/2021

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

Initial assessor: Catriona Oliver (APS3)

QA assessor: Lachlan Habgood (A/g EL1)

**Officer recommendation:** Eligible

## Revenue test

Assessment: Pass

The applicant provided an interim financial report for the nine months ended 31 March 2021. The report indicates that Two Birds Media Pty Ltd met the financial revenue test threshold of exceeding \$150,000.00 in the previous financial year.

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.

It is recommended that further information be sought from the applicant about the interim financial report to determine if they have financial accounts for a full year, and to request a statutory declaration.

### Response to preliminary view

In the email dated 9 August 2021, the applicant provided a statutory declaration from PRIMER co-founder, Anna Saunders, certifying that PRIMER's reported revenue is true and accurate and prepared in accordance with generally accepted accounting principles. The statutory declaration is witnessed by Chartered Accountant, Kar Chun Chua.

On 12 August 2021, the Applicant confirmed by email that Anna Saunders, the declarant named in the statutory declaration, holds the position of CFO for the applicant corporation.

The applicant meets this criterion.

## Professional standards test

Assessment: Pass

The applicant states that it is subject to internal editorial standards and provided the URL <https://primer.com.au/about-us/> as the location for both the editorial standards and complaints mechanism.

A review was conducted on 14 July 2021. The posted internal editorial policy states that the journalism for the news source is conducted in accordance with the guidelines set out by the Australian Press Council. Primer's editorial standards are based on the APC guidelines and cover principles in relation to accuracy and clarity; fairness and balance; privacy and avoidance of harm; and integrity and transparency. The complaints handling process included by the applicant allows for complaints to be made, adjudication and notification of the outcome of complaints about news content, and a mechanism for appeal. The applicant's internal editorial standards meet the criterion's requirements as they are analogous to external professional standards specified in the code.

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

The applicant meets this criterion.

## Content test

Assessment: Pass

The applicant provided <https://primer.com.au> as the news source link and this was initially assessed (a website or part of a website). No other links were provided.

A review of the news source URL was conducted on 14 July 2021. The webpage comprises a number of links to articles and stories on the main page. The website predominantly focuses information for readers, such as fashion and beauty tips e.g., '4 stylists on their failsafe outfits,' and 'meet your new shortcut to great skin.' It also features stories which elevate women's voices e.g., 'how invisible women syndrome makes ageing hard.' The top of the page has a ribbon of links to other pages under the titles 'fashion,' 'beauty,' 'stories' and social change.' Accessing these links takes the user to similar content available on the main page.

Overall, the review of the news source could not locate content that meets the definition of core news content, i.e., articles and stories that report on issues or events that are relevant in engaging Australians in public debate and in informing democratic decision making and current issues or events of public significance at a local, regional, or national level.

While it is possible some of the articles and content on the news source may include some core news content, it is clear that the primary purpose of the news source is not to create core news content. Rather, the content focuses on fashion and beauty information and some feature articles in which a person shares their experiences.

The applicant fails the criterion.

**Response to the preliminary view**

In the email dated 9 August 2021, the applicant indicated that they would like to revise the news source from <https://primer.com.au> to <https://primer.com.au/category/stories/>.

A review of the revised news source link was conducted on 10 August 2021. This webpage features a number of articles which focus on a range of issues that are of public significance across the Australian perspective. It is noted that this news source focuses on issues as they relate to women.

Examples of featured articles that focus on public interest issues include: 'Anxious Australia: Why Women Are Taking Antidepressants (mental health),' 'Consent Crime: Women Fall Victim to 'Stealth' (public safety and crime),' and 'Australia Covid: 4 Experts On How to Boost Vaccinations (public health).' While the news source also features some content that does not meet the definition of core news, for example, 'Meet Our Podcast: Made on Purpose,' it is clear that the majority of content does meet the core news definition set out in the Code. Further, core news content is the most prominent content presented on the news source.

On review 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 core news is published frequently and is created by the news source itself.

The applicant meets this criterion.

## Australian audiences test

Initial assessment: Pass

The About us page on the website provides background on the founders of Primer. It notes that they live and work in Sydney and Melbourne.

An assessment of the articles provided on the news source found that these articles largely adopt an Australian lens.

The news source meets the Australian audience test because

1. the news source operates predominantly in Australia (as evidenced by the Australian Primer operations and key personnel being in Sydney and Melbourne), and
2. the news source has the dominant purpose of serving Australian audiences (The news source has content geared toward Australian audiences and stories told through an Australian).

The applicant passes the Australian audience test.

## Connection requirements

Initial assessment: Pass

A review of the submitted ABN 59627604620 confirms that it is for Two Birds Media Pty Ltd a registered Australian private company.

The applicant did not provide a signed statutory declaration from the company secretary or equivalent certifying that the applicant corporation operates or controls the news source making up the proposed news business. However, the applicant submitted a letter from the co-founder of PRIMER to certify that Two Birds Pty Ltd controls PRIMER, which is seeking to become a registered news business.

The applicant has failed to provide sufficient information to meet this test and a statutory declaration should be sought.

**Response to the preliminary view**

In the email dated 9 August 2021, the applicant provided a statutory declaration from PRIMER co-founder, Anna Saunders indicating that PRIMER operates or controls each of its news sources making up the proposed news business. The applicant meets this criterion.

## Recommendation for further information (if applicable)

Decision maker: Elizabeth Press (EL2)

### Comments from decision maker

The ACMA's preliminary decision should be shared with the applicant.

That decision finds on a preliminary basis that Primer does not meet the content test. The content in this publication has a focus on beauty, fashion and personal experiences. It is not predominantly focussed on the production of core news, being *news that report on issues or events that are relevant in engaging Australians in public debate and in informing democratic decision making and current issues or events of public significant at a local, regional, or national level.*

Alongside the preliminary view the applicant should also be advised that we could not make a preliminary decision about the connection and revenue tests because of an absence of information. It would be welcome to provide the additional information to the team as follows;

- a) 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.
- b) A signed statutory declaration from the company secretary or equivalent certifying that the applicant corporation operates or controls the news source, 'Primer' that is part of the proposed news business

## Final decision

Decision-maker: Elizabeth Press (EL2)

Date of final decision: 12 August 2021

Final decision: Pass

### Comments from decision maker

The final assessment of the application (including the response to our preliminary decision) shows:

1. The applicant has provided revenue information for the part f/y (9 months only) to March 2021 and subsequently provided a statutory declaration confirming the accuracy of, and accounting standards used for, the financial statements. These now meet this test.

2. The applicant provided a link to internal editorial standards and a complaints mechanism that meets the Professional standards test. The applicant attests it is not owned or controlled by a party with a political or commercial interest.
3. The applicant, following the preliminary view, amended the news source to a narrower URL which contained its long read news stories. On review, this news source does pass the content test as it predominantly creates core news content.
4. The news source passes the Australian audience test as it operates in Sydney and Melbourne and the content is produced with an Australian lens and for an Australia-wide audience.
5. The Applicant made a statutory declaration in response to the preliminary view. It now passes the connection requirement.

The applicant, having met the eligibility criteria, should be registered on the ACMA's register.



Signature of delegated officer:

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Name: Elizabeth Press

Date: 12 August 2021