

Request 1 - Document 6

Australian
Communications
and Media Authority

www.acma.gov.au

Elizabeth Press

From: Lachlan Habgood
Sent: Thursday, 3 June 2021 5:36 PM
To: Simon Tarmo
Cc: bargainingcode
Subject: RE: Outcome of assessment of application for registration under the News Bargaining Code - Aspermont Limited [SEC=OFFICIAL]

Thanks Simon,

I'll make a record of your response and close the current application off. Let me know if you have any questions when you are preparing your next application and I'll be glad to speak to you.

Regards

Lachlan Habgood
Compliance and Regulatory Advisor
News Media Bargaining Section

Australian Communications and Media Authority
T +61 2 9334 7759 F +61 2 9334 7799
E lachlan.habgood@acma.gov.au
www.acma.gov.au



communicating | facilitating | regulating

From: Simon Tarmo <simon.tarmo@aspermont.com>
Sent: Thursday, 3 June 2021 4:57 PM
To: Lachlan Habgood <Lachlan.Habgood@acma.gov.au>
Cc: Tim Edwards <tim.edwards@aspermontmedia.com>; Alex Kent <alex.kent@aspermont.com>; Ajit Patel <Ajit.Patel@aspermont.com>
Subject: FW: Outcome of assessment of application for registration under the News Bargaining Code - Aspermont Limited [SEC=OFFICIAL]

Dear Lachlan,

As discussed today, given our publications are not considered 'core news', regardless of any grey area around that definition, as we briefly went over, we won't be submitting any further information or appeals at this stage, although we may consider a future application. Please let me know if the independent body looking at this would like me to provide further feedback around the definitions and tests used in relation to the concept of core news, as I would be keen to explore this more and understand the interpretations better, if only for future reference.

Cheers,
Simon

From: Tim Edwards <tim.edwards@aspermontmedia.com>
Sent: Thursday, May 20, 2021 3:39 PM
To: Simon Tarmo <simon.tarmo@aspermont.com>
Cc: Alex Kent <alex.kent@aspermont.com>; Ajit Patel <Ajit.Patel@aspermont.com>

Subject: FW: Outcome of assessment of application for registration under the News Bargaining Code - Aspermont Limited [SEC=OFFICIAL]

Hi Simon,

Please see below response from the ACMA on our application for the News Media Bargaining Code. Their preliminary view is we are ineligible and they detail why below.

We have until 28th to respond however note sure how we would sort the specialist / core news classification.

Thanks,
Tim

Dear Mr Edwards,

News Media Bargaining Code Application (ACMA-NBC-2871YBZW48)

I refer to the application by Aspermont Limited to register a news business under the News Media Bargaining Code (the Code). The Australian Communications and Media Authority (ACMA) has concluded its assessment of your application. I am writing to advise of the preliminary view that your application should be found ineligible for registration under the Code because the news sources:

- Failed to meet the Professional Standards Test; and
- Failed to meet the Content Test.

This preliminary view relates to the following news sources:

1. Australia's Mining Monthly (A magazine)
2. Australia's Mining Monthly (A website or part of a website)
3. EnergyNewsBulletin.net (A website or part of a website)
4. EnergyNewsBulletin.net (A magazine)
5. Farming Ahead (A website or part of a website)
6. Farming Ahead (A magazine)
7. MiningNews.net (A website or part of a website)

Why are you ineligible?

Professional Standards Test

For each of the news sources listed above, you provided a link to an internal standard titled 'Aspermont Group Editorial Policy'. To be considered analogous to professional Standards, internal standards should include, at a minimum:

- > a mechanism for accepting, adjudicating and notifying complainants of the outcome of complaints about news content
- > standards relating to the accuracy and impartiality of news content.

The Aspermont Group Editorial Policy contains some elements that would meet this part of the Professional Standards Test, eg, accuracy, updating and errors; copyright, plagiarism and false statements; disclosures and transparency; use of images; social media; and compliance. However, the editorial policy does not refer to other areas usually included in robust editorial policies such as impartiality, privacy, conflicts of interest and discrimination, and complaints handling processes. Further, a review of website where the link to the editorial policy is sourced (<https://www.aspermont.com/>) was conducted. It could not be located on this website. A review of the website link submitted for each of the news sources was also conducted. In each case, the Contact Us page for the relevant news source contained the following text 'View Aspermont Limited's group editorial policy here'. with has a link imbedded in

the word 'here'. Clicking the link resolved to a page with the text 'Sorry – the page you are trying to access does not exist'.

The news sources do not contain, at a minimum, standards that set out an approach to impartiality of news content. Further, the Aspermont Group Editorial Policy is not made available to users and therefore, does not amount to a 'standard' for the purposes of the test.

In relation to complaints process for each news source, you submitted a link to that news source's Contact Us page as the link where complaints can be made. While the content on the pages invites complaints about editorial matters via email, there is no information that explains the complaints process on this page. Accordingly, the news sources do not meet the requirements because they do not provide a mechanism for accepting, adjudicating and notifying complainants of the outcome of complaints about news content

Content Test

Applicants must demonstrate the primary purpose of each nominated news source is to create core news content. **Core news is defined as content that reports, investigates or explains: issues or events that are relevant in engaging Australians in public debate and in informing democratic decision making; or current issues or events of public significance at a local, regional or national level.** In determining the primary purpose of the news source, the ACMA considers the amount of core news content created by the news source and the frequency with which the news source creates core news content.

For each of the news sources, the ACMA found the following:

- A review of the primary and secondary news source links for Australia's Mining Monthly (magazine and website) found no core news content. While we accept that core news may feature on/in the news source at times, the news sources links reviewed contained titles and descriptions of content, but the articles themselves could not be accessed due to a subscription paywall restriction. Based on the title and initial sentence when accessing the article links, the content is focussed reporting related to the mining industry only. As such, the ACMA consider this news source to be specialist reporting targeted directly to those with an interest in the Australian mining industry. The primary purpose of the website is not the publication of core news.
- A review of the primary and secondary news source links for EnergyNewsBulletin.net (website) found no core news content. While we accept that core news may feature on/in the news source at times, the news sources links reviewed contained titles and descriptions of content, but the articles themselves could not be accessed due to a subscription paywall restriction. Based on the title and initial sentence when accessing the article links, the content is focussed reporting related to the energy industry only. The news source for EnergyNewsBulletin.net (magazine) did locate some content for review. No core news content was located. The content focused exclusively on energy news and information reporting. As such, the ACMA considers these news sources to be specialist reporting targeted directly to those with an interest in the energy industry. The primary purpose of the website is not the publication of core news.
- A review of the primary and secondary news source links for farming Ahead (website and magazine) found no core news content. While we accept that core news may feature on/in the news source at times, the news sources links reviewed contained titles and descriptions of content, but the articles themselves could not be accessed due to a subscription paywall restriction. Based on the title and initial sentence when accessing the article links, the content is focussed reporting related to farming / agri-business industry sector only. As such, the ACMA considers this news source to be specialist reporting targeted directly to those with an interest in that industry. The primary purpose of the website is not the publication of core news.
- A review of the primary and secondary news source links for MiningNews.net (website) found no core news content. While we accept that core news may feature on/in the news source at times, the news sources links reviewed contained titles and descriptions of content, but the articles themselves could not be accessed due to a subscription paywall restriction. Based on the title and initial sentence when accessing the article links, the content is focussed reporting related to the mining/commodities industry only. As such, the ACMA considers this news source to be specialist reporting targeted directly to those with an interest in the Australian mining /commodities industry. The primary purpose of the website is not the publication of core news.

As required by the Guidelines, where the ACMA's assessment results in an adverse outcome for the applicant, the ACMA will give the applicant a preliminary decision and provide the opportunity to respond. The ACMA will consider any submissions provided by the applicant before making its final decision.

The ACMA now invites Aspermont Limited to provide a submission regarding the preliminary decision by CoB 28 May 2021. If no response is received by this deadline, the ACMA may proceed to finalise its assessment of the application.

Please call me if you have any questions about this matter.

Yours sincerely

Lachlan Habgood

Compliance and Regulatory Advisor

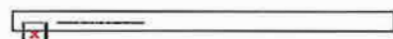
News Media Bargaining Section

Australian Communications and Media Authority

T +61 2 9334 7759 F +61 2 9334 7799

E lachlan.habgood@acma.gov.au

www.acma.gov.au



NOTICE: This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by Mimecast, a leader in email security and cyber resilience. Mimecast integrates email defenses with brand protection, security awareness training, web security, compliance and other essential capabilities. Mimecast helps protect large and small organizations from malicious