



Vietnamese Overseas Initiative for Conscience Empowerment
AUSTRALIA

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Senate Environment and Communications References Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Senate Environment and Communication References Committee,

Inquiry into the state of media diversity, independence and reliability in Australia

Vietnamese Overseas Initiative for Conscience Empowerment (VOICE) Australia is a non-profit organisation with the mission to improve the human rights situation in Vietnam by strengthening civil society and the rule of law in the country through capacity building, advocacy, civil society support and refugee resettlement.

VOICE Australia welcomes the opportunity to provide a submission to the Senate Environment and Communication References Committee to inquire into the state of media diversity, independence and reliability in Australia.

This submission considers:

The current state of public interest journalism in Australia and any barriers to Australian voters' ability to access reliable, accurate and independent news

In a democratic society, the community has the right to access information, and public interest journalism provides the community access to such rights. The news media plays a significant role in providing the community with access to news and current affairs that are of public interest. Respective and credible media should remain nonpartisan to provide readers/viewers with accurate and reliable information.

The public relies on news media as a source of information on issues and events that affect them and in the digital era, large numbers of people access online platforms for news and current affairs. The issue of misinformation or disinformation has dominated the online media since the 2016 US election¹, and in Australia, the spread of misinformation on the bush fire and covid-19 has further escalated this concerning issue. It not only causes harm to the public but a threat to democracy as there are no regulatory bodies to promote good media practice and filter of misinformation or disinformation. The Australian Press Council sets out the standard for good media practice and responsible for handling complaints about Australian newspapers, magazines, and associated digital outlets² and the Australian Communications and Media Authority (ACMA) regulating radio and television broadcasters. However, there is no such regulatory mechanism to oversee online news publications.

¹ Regulating misinformation: policy brief (apo.org.au), pg 1

² <https://www.presscouncil.org.au/what-we-do/>



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The Australian Competition and Consumer Commission (ACCC) has conducted a Digital Platform Inquiry in 2019. In its final report, the ACCC recommended a mandatory code to address complaints about disinformation and an oversight role for a regulator to monitor issues of misinformation and the quality of news and information.³ As part of the Government's response to the inquiry, the ACMA has been assigned to oversee the development of a voluntary code of practice by digital platforms to address online disinformation. The ACMA considers that platforms should codify their activities and commit to permanent actions that are systematic, transparent, certain and accountable for their users in addressing such potentially harmful misinformation.⁴ However, as it is a voluntary code, individual platforms may choose to implement the code or be bound by the code.

Developing voluntary code may not be sufficient to protect the public from the harm of misinformation as the media and digital platforms are not required to comply or bound by the code. Countries such as Germany, France, Russia, Singapore, the UK, Malaysia, Taiwan and Brazil have indicated support for new anti-misinformation legislation to tackle the issue of misinformation⁵. Australia should consider introducing similar legislation and cover all platforms, that is, print, online, radio and television. However, any such legislation must balance freedom of speech and expression and the protection of the public from misinformation. More importantly, it must not be used as a tool to deny the right of the community to access information, and public interest journalism.

The effect of media concentration on democracy in Australia

Australia is one of the countries with the highest media concentration, and the ownership is dominated by News Corp Australia and Nine Entertainment Co. Journalism pluralism is one of the reasons why Australia is ranked 26th out of 180 countries in the RSF's 2020 World Press Freedom Index.⁶

The media has a significant impact on the ideals of its audiences and may do so in a negative way. It uses languages to frame refugees in its headlines and reports to elicit ideas of refugees as threats to Australians way of life and depict refugees and people seeking asylum as terrorists, murderers and people with bad intentions⁷ and promoting fear and unfavourable attitudes towards refugees. A research conducted by All Together Now assessed 281 media pieces related to race and 159 portrayed race negatively and reinforcing racism through the language used in their media pieces.⁸ Media concentration exacerbates this issue by using different media outlets controlled by major media organisations to spread the same message or ideology to influence public opinions. It is worsened when the media distort the news and twist the facts to influence its readers/viewers.

The concentration of media ownership compromises the reality of fair and balanced media coverage during election times in Australia. This occurred during the 2019 election where major media outlets attacked the party they do not favour with bias and one-sided headlines leading up to the election⁹.

³ The Australian Communications and Media Authority - Misinformation and news quality on digital platforms in Australia, A position paper to guide code development, p 5

⁴ <https://www.acma.gov.au/sites/default/files/2020-06/Misinformation%20and%20news%20quality%20position%20paper.pdf>, p 6.

⁵ Report of the Independent Inquiry into the Media and Media Regulation, <https://apo.org.au/sites/default/files/resource-files/2012-02/apo-nid28522.pdf>

⁶ <https://rsf.org/en/australia>

⁷ <https://www.whitlam.org/what-matters-2019-shortlist-1/2019/7/1/refugees-agitating-for-change-in-the-australian-media>

⁸ <https://alltogethernow.org.au/media-monitoring/>

⁹ <https://www.abc.net.au/mediawatch/episodes/election/11130218>



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It is essential to have media diversity, and the government must introduce media ownership regulation to promote quality services and competition and ensure that the public has access to reliable and accurate information. The Australian Government provides Regional and Small Publishers Innovation Fund of up to \$16 million over 3 years from 2018 to support small and regional publishers¹⁰. The funding should be extended, to include independent news media and further funding to support the ABC and SBS to promote media diversity in public interest journalism and prevent the existence of monopolies.

The impact of online global platforms such as Facebook, Google and Twitter on the media industry and sharing of news in Australia

The introduction of payment to social media giants such as Facebook and Google to Australian traditional news media to post their content supports the continuing operation of traditional news media. Technology has dominated our everyday lives, and many users around the world refer to Facebook, Google and/or Twitter for news and information. The Reuters Institute Digital News Report 2016 showed that 36% of Australians access social media for news.¹¹

These digital platforms have benefited from the traditional news media without conveying such benefits to the original publishers. The social media giants may refuse to pay for news contents and remove Australians' access to news on their platforms which could potentially lead to an omission of information. The government must assist the social media giants and the ACCC in the negotiation process to mitigate the risk.

Other related matters

Protection for human rights activists, journalists and whistle-blowers

Public interest is not just news and information on current events that are of interest to the public but more importantly, the public are informed on the actions taken by our government in the name of Australians. For example, information on the government's use of tax funds in infrastructure and other projects, inquiry on government handling of events and crisis and the misconduct of Australian soldiers in overseas deployment.

One of the barriers preventing Australians the ability to access reliable, accurate and independent news is the lack of protection for journalists and whistle-blowers, as they could be charged with criminal offences for exposing the wrong-doing of government officials in Australia. In June 2019, the AFP raided the home of News Corp journalist, Annika Smethurst seeking information on the publication of classified material and followed by the raid on the ABC headquarters over the reporting of war crimes in Afghanistan¹² leading to concerns on the freedom of the press in Australia. In Smethurst case, the High Court of Australia ruled that the AFP warrant was invalid. This shows the power imbalance and methods used to restrict the disclosure of information.

Section 35P of the ASIO Act¹³ grants power for the imprisonment of whistle-blowers for up to 10 years for disclosing information of the conduct of the intelligence agencies. Journalists may be

¹⁰ <https://www.acma.gov.au/regional-and-small-publishers-innovation-fund#about-the-regional-and-small-publishers-innovation-fund>

¹¹ <https://www.digitalnewsreport.org/survey/2016/how-audiences-discover-news-online-2016/>

¹² <https://www.theguardian.com/media/2020/may/27/afp-rules-out-charges-against-news-corp-journalist-annika-smethurst-after-raid>

¹³ Australian Security Intelligence Organisation Act 1979 (Cth)



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charged under the Act for receiving unauthorised information. Review and amendment of the legislation are required to eliminate the power imbalance of government and the media and possible methods used to cover up wrong-doings in the name of national security.

VOICE Australia has, on many occasions, raised the issue of the Vietnamese Government using vague national security legislation to detain human rights activists and journalists. In recent years, journalists and whistle-blowers have been arrested, and the news media head office has been raided by intelligence agencies when they released information that is of interest to the public. The Australian Government must do everything necessary to protect Australians' right to access information and protect freedom of expression, freedom of speech and freedom of the press. We must practice what we preach to be in the position to criticise other countries of human rights violations.

The Australian Government must not use national security as a shield to punish human rights activists, lawyers, journalists and whistle-blowers exposing the wrong-doing of the government, its officials and public servants. The misuse of such power impacts freedom of speech and expression and minimises the protection of those seeking to disclose information that is in the public interest.¹⁴ More protection must be granted to those individuals rather than using the law of espionage to punish them.

It is important to have regulations in place to ensure that news media provide reliable and accurate information to the public however such regulations must not restrict the press from providing the public with information on the wrong-doing of the government. Using vague legislation to punish lawyers, activists, journalists and whistle-blowers from disclosing the information is a violation of their rights to freedom of speech and expression. Although Australia does not have a Charter of Human Rights or Bill of Rights to protect freedom of speech and expression, as a member of the UN Human Rights Council, Australia has the responsibility to uphold and respect fundamental rights and freedoms.

Our recommendations

1. Developing a voluntary code of practice and introducing anti-misinformation legislation to address online disinformation in Australia.
2. Introduce regulation to control media concentration and ownership to promote quality services and competition and ensure that the public has access to reliable and accurate information
3. We recommend the review of Section 35P of the ASIO Act to protect lawyers, human rights activists, journalists and whistle-blowers for disclosing information in the public interest.

VOICE Australia is optimistic that the Committee would consider the above recommendations in its report to parliament on the inquiry.

Yours sincerely,

Janice Le
Director of Advocacy
VOICE Australia

¹⁴ https://www.hrw.org/sites/default/files/supporting_resources/190208_hrw_submission_pjcis_inquiry.pdf