

The Senate

---

Environment and  
Communications Legislation  
Committee

---

Murdoch Media Inquiry Bill 2023

October 2024

© Commonwealth of Australia 2024

ISBN 978-1-76093-728-7 (Printed version)

This work is licensed under the Creative Commons Attribution-NonCommercial-NoDerivs 4.0 International License.



The details of this licence are available on the Creative Commons website:  
<https://creativecommons.org/licenses/by-nc-nd/4.0/>.

Printed by the Senate Printing Unit, Parliament House, Canberra

# Members

## Chair

Senator Karen Grogan ALP, SA

## Deputy Chair

Senator Sarah Hanson-Young AG, SA

## Members

Senator Catryna Bilyk  
(to 30 March 2023 and from 16 October 2023) ALP, TAS  
Senator Ross Cadell NATS, NSW  
Senator Lisa Darmanin (from 4 July 2024) ALP, VIC  
Senator Dave Sharma (from 18 March 2024) LP, NSW

## Former Members

Senator Hollie Hughes (to 18 March 2024) LP, NSW  
Senator Fatima Payman (to 4 July 2024) ALP, WA  
Senator Tony Sheldon (30 March 2023 to 16 October 2023) ALP, NSW

## Secretariat:

Mr Stephen Palethorpe, Committee Secretary  
Mr Alan Raine, Inquiry Secretary  
Ms Sarah Redden, Inquiry Secretary  
Ms Kate Gauthier, Principal Research Officer  
Ms Monique Nielsen, Senior Research Officer  
Ms Nina Mihaljcic, Administrative Officer  
Ms Stacey Sullivan, Administrative Officer  
Ms Teagan Monaghan, Administrative Officer

PO Box 2600  
Parliament House  
Canberra ACT 2600

Telephone: 02 6277 3526

[ec.sen@aph.gov.au](mailto:ec.sen@aph.gov.au)



# Contents

<b>Members .....</b>	<b>iii</b>
<b>Abbreviations and acronyms.....</b>	<b>vii</b>
<b>Chapter 1— Introduction.....</b>	<b>1</b>
Conduct of the inquiry .....	1
Acknowledgements .....	2
Background to the bill .....	2
Parliamentary Commissions of Inquiry .....	3
Operations of Commissions of inquiry.....	4
Key provisions.....	5
Establishment of a Commission.....	5
Media Commission terms of reference .....	5
Report to Parliament .....	6
Media Commission hearings.....	7
Powers of the Media Commission.....	7
Operation of the Media Commission.....	8
Financial impact statement .....	9
Human rights compatibility .....	9
Scrutiny of Bills Committee.....	9
<b>Chapter 2— Views on the bill.....</b>	<b>11</b>
Views on an inquiry into Australia's media diversity .....	11
The need for an inquiry.....	11
Matters for inquiry .....	12
Commentary on the nature of the inquiry .....	17
Terms of reference .....	17
Turning minds to potential solutions.....	18
Measures currently underway .....	19
News Media and Digital Platforms Mandatory Bargaining Code .....	20
Disinformation and misinformation .....	24
Other media reform measures .....	25
Support for industry .....	28

Recent commitments .....	29
Committee view .....	30
<b>Additional Comments from Coalition Senators .....</b>	<b>33</b>
<b>Australian Greens Dissenting Report—The fight for a strong Fourth Estate is existential - it deserves a Royal Commission .....</b>	<b>35</b>
<b>Appendix 1—Submissions.....</b>	<b>39</b>

## Abbreviations and acronyms

1986 Commission of Inquiry	Parliamentary Commission of Inquiry
AAP	Australian Associated Press
ACCC	Australian Competition and Consumer Commission
ACMA	Australian Communications and Media Authority
CALD	Culturally and linguistically diverse
DIGI	Digital Industry Group Inc
Dis-Misinformation Code	Australian Code of Practice on Disinformation and Misinformation
DP-REG	Digital Platform Regulators Forum
EM	Explanatory memorandum
EU	European Union
LINA	Local and Independent News Association
Media Commission	Murdoch Media Commission of Inquiry
News MAP	News Media Assistance Program
PIJI	Public Interest Journalism Initiative
Research Centre for Public Health	Research Centre for Public Health, Equity and Human Flourishing, Torrens University Australia
Scrutiny of Bills Committee	Senate Standing Committee for the Scrutiny of Bills
the bill	Murdoch Media Inquiry Bill 2023
the Code	News Media and Digital Platforms Mandatory Bargaining Code
the committee	Senate Environment and Communications Legislation Committee
the Department	Department of Infrastructure, Transport, Regional Development, Communications and the Arts



# Chapter 1

## Introduction

- 1.1 On 11 May 2023, the Senate agreed to refer the Murdoch Media Inquiry Bill 2023 (the bill) to the Senate Environment and Communications Legislation Committee (the committee) for inquiry and report by 16 October 2023.<sup>1</sup> The bill was introduced into the Senate on 13 June 2023 by Senator Sarah Hanson-Young, as a private Senator's bill.
- 1.2 On 16 June 2023, the committee was granted an extension to 12 December 2023 to report.<sup>2</sup> On 10 November 2023, the committee was granted an extension to 30 April 2024.<sup>3</sup> On 30 April 2024, the committee was granted a further extension to 10 October 2024.<sup>4</sup>
- 1.3 The bill seeks to establish a Parliamentary Commission of Inquiry, to be known as the Murdoch Media Commission of Inquiry (Media Commission or Commission) to inquire into the current state of media diversity and conduct of media outlets operating in Australia, in particular the Murdoch media empire, and its impact on Australian democracy.
- 1.4 The proposed Media Commission would be established in statute, have the full powers of a Royal Commission, and would report back to the Australian Parliament. The Media Commission would inquire into a range of matters including existing media regulation, the concentration of media ownership, the culture of media outlets in Australia and the influence of the media on democracy, among other matters.
- 1.5 The Senate would be required to appoint one member to the Media Commission.

### Conduct of the inquiry

- 1.6 Details of the inquiry were advertised on the committee's website, including a call for submissions by 31 August 2023. The committee wrote directly to various stakeholders to invite them to make submissions.

---

<sup>1</sup> [\*Journals of the Senate\*](#), No. 48, 11 May 2023, p. 1383.

<sup>2</sup> [\*Journals of the Senate\*](#), No. 52, 16 June 2023, p. 1499

<sup>3</sup> [\*Journals of the Senate\*](#), No. 81, 10 November 2023, p. 2288.

<sup>4</sup> [\*Journals of the Senate\*](#), No. 109, 14 May 2024, p. 3316.

- 1.7 The committee received 25 submissions, which are listed at Appendix 1 and are available on the committee's website.<sup>5</sup>

### **Acknowledgements**

- 1.8 The committee thanks the organisations and individuals who made submissions to the inquiry and appeared before the committee at the public hearing.

### **Background to the bill**

- 1.9 Despite previous government reviews of media ownership in Australia, concerns over the Murdoch media's dominant market share persist.<sup>6</sup> The bill's Explanatory Memorandum (EM) states:

Australia has one of the most concentrated news media markets in the world. The Murdoch controlled News Corp owns more than two thirds of all print media outlets in Australia. Through News Corp, the Murdoch empire wields enormous power and political influence, largely unchecked and unchallenged. The impact on democracy is corrosive and has eroded trust in journalism and public institutions.<sup>7</sup>

- 1.10 In the 46th Parliament, the Senate Environment and Communications References Committee conducted an inquiry into media diversity in Australia, which reported in December 2021. That committee recommended a judicial inquiry with the powers of a Royal Commission be established to determine whether the existing system of media regulation is fit-for-purpose and to investigate the concentration of media ownership in Australia.<sup>8</sup>

- 1.11 On introducing the bill, Senator Hanson-Young drew attention to this recommendation of the report, arguing that:

Only an inquiry with the powers of a Royal Commission can uncover the extent of the Murdoch media's influence and control over our democracy and fully examine media concentration in Australia.<sup>9</sup>

- 1.12 Accordingly, the bill seeks to establish a Parliamentary Commission of Inquiry into the 'current state of media diversity and conduct of media outlets operating

---

<sup>5</sup> See [aph.gov.au/Parliamentary\\_Business/Committees/Senate/Environment\\_and\\_Communications/MurdochMediaBill2023](http://aph.gov.au/Parliamentary_Business/Committees/Senate/Environment_and_Communications/MurdochMediaBill2023)

<sup>6</sup> Department of Infrastructure, Transport, Regional Development, Communications and the Arts, *Submission 11*, pp. 6–8 and 10–11.

<sup>7</sup> Murdoch Media Inquiry Bill 2023, *Explanatory Memorandum*, [p. 2].

<sup>8</sup> See Recommendation 1, Senate Environment and Communications References Committee, [Media diversity in Australia](#), December 2021.

<sup>9</sup> Senator Sarah Hanson-Young, *Senate Hansard*, 13 June 2023, p. 48.

in Australia ... and their impact on Australian democracy', with a specific focus on Murdoch-owned media.<sup>10</sup>

- 1.13 The EM further suggests that a Commission of Inquiry is needed as the regulation of media in Australia is 'not fit for purpose' and:

... has not kept up with the ever-changing media landscape. There has been a clear failure in regulation as monopolies have been allowed to flourish in both traditional media and through online platforms.

This Bill sets up a Commission with the powers to delve deeply into issues of media diversity, regulation, ethics and conduct in Australia to deliver a report to the Parliament on how best to regulate the news media sector to protect Australia's democracy.<sup>11</sup>

### Parliamentary Commissions of Inquiry

- 1.14 Parliamentary Commissions of Inquiry are created by statute by the Australian Parliament (Parliament), to report back to the Parliament. It is open to the Parliament to establish a Commission of inquiry, to give it powers and immunities and to require it to report back to the two Houses of Parliament (rather than executive government).<sup>12</sup>

- 1.15 A Parliamentary Commission of Inquiry has been held once—a 1986 inquiry into Justice Lionel Murphy (1986 Commission of Inquiry). The inquiry was established by the *Parliamentary Commission of Inquiry Act 1986* in May 1986, and repealed by the *Parliamentary Commission of Inquiry (Repeal) Act 1986* in September 1986. It was established to inquire into and advise the Parliament whether any conduct of Justice Murphy amounted to misbehaviour within the meaning of section 72 of the Australian Constitution. The Commission of Inquiry was discontinued following Justice Murphy's diagnosis with a terminal illness.<sup>13</sup>

---

<sup>10</sup> Murdoch Media Inquiry Bill 2023, *Explanatory Memorandum*, [p. 2].

<sup>11</sup> Murdoch Media Inquiry Bill 2023, *Explanatory Memorandum*, [p. 2].

<sup>12</sup> The structure of constitutional government in Australia divides power between the three arms of government: legislative, judicature and executive.

<sup>13</sup> Section 72 of the Constitution sets out how judges can be removed:

72. Judges' appointment, tenure and remuneration

The Justices of the High Court and of the other courts created by the Parliament:

(i) shall be appointed by the Governor-General in Council;

(ii) shall not be removed except by the Governor-General in Council, on an address from both Houses of the Parliament in the same session, praying for such removal on the ground of proved misbehaviour or incapacity;

(iii) shall receive such remuneration as the Parliament may fix; but the remuneration shall not be diminished during their continuance in office.

Chapter III of the Constitution establishes the High Court of Australia and empowers Parliament to create other federal courts and to vest federal judicial power in state and territory courts.

1.16 The 1986 Commission of Inquiry was established to allow the Houses of Parliament to perform their function in relation to the removal of judges under the Constitution, as only the Governor-General in Council, on an address from the Houses of Parliament in the same session may remove a justice of the High Court or other courts created by the Parliament.<sup>14</sup>

### **Operations of Commissions of inquiry**

1.17 Advice provided by the then Clerk of the Senate in August 2016 made several observations about the operations of Parliamentary Commissions of Inquiry. The Clerk noted (among other things):

- such inquiries are created by statute and are 'necessarily creatures of the executive government because of that';
- the *Parliamentary Commission of Inquiry Act 1986* was so-named because of its function, not because it represented an alternative mode of inquiry that could be used instead of a Royal Commission, but reporting to the Parliament rather than the Governor-General';
- the Crown has a prerogative power to establish Commissions of Inquiry, but the general practice is for Royal Commissions to be established under the *Royal Commissions Act 1902*; and
- there are parliamentary, constitutional and procedural barriers to Parliamentary Commissions of Inquiry, including that:
  - the legislation has to pass both Houses;
  - the Commission needs to be fully funded—however, the Senate is prevented from initiating an appropriation by section 53 of the Constitution, as are non-executive members of the House of Representatives because of the House's standing orders; and
  - any legislation establishing a Commission (if passed) could be challenged for validity by anyone with standing, and 'costly interference could be run by interests opposed to such an inquiry' with 'litigation at every step to frustrate the Commission'.<sup>15</sup>

---

Attorney-General's Department, [Courts](#) (accessed 4 October 2023); Parliament of Australia, *Odgers' Australian Senate Practice*, 14<sup>th</sup> edition, 2016, pp 677–678.

<sup>14</sup> Dr Rosemary Laing, Clerk of the Senate, Australian Senate [Parliamentary Commission of inquiry into the financial sector \[letter to Senator Whish-Wilson\]](#), 16 August 2016.

<sup>15</sup> Dr Rosemary Laing, Clerk of the Senate, Australian Senate *Parliamentary Commission of inquiry into the financial sector [letter to Senator Whish-Wilson]*, 16 August 2016.

## Key provisions

### Establishment of a Commission

1.18 The bill seeks to establish a Commission of Inquiry, the Media Commission, to be constituted by one member appointed by a resolution of the Senate.<sup>16</sup> The member to be appointed must be a former Judge of a court established by the Parliament or of the Supreme Court of a state or territory.<sup>17</sup>

1.19 The Commission may appoint a legal practitioner to provide counsel.<sup>18</sup>

### Media Commission terms of reference

1.20 The terms of reference for the proposed Media Commission are set out in the bill, and are as follows:

- (a) whether the existing system of media regulation in Australia is fit-for-purpose;
- (b) the concentration of media ownership in Australia;
- (c) the impact of Australia's media ownership laws on media concentration in Australia;
- (d) the relationship between the media and government in Australia and whether fear of retribution in the press has hampered the creation of public policy;
- (e) the need for a single, independent media regulator to harmonise news media standards and oversee an effective process for remedying complaints;
- (f) the efficacy of current legal frameworks and mechanisms for managing misinformation and disinformation in the media;
- (g) the culture, ethics and practices of media outlets operating in Australia;
- (h) the targeting of marginalised communities by the media including people of colour, people with disabilities, the LGBTQIA+ community and people on income support;
- (i) the impact on democracy of the 'Foxification' of some media outlets operating in Australia, including undermining trust in public institutions and public interest journalism;
- (j) the impact of the political influence of major media outlets operating in Australia;
- (k) the impact of online global platforms such as Facebook, Google and Twitter on the media industry and sharing of news in Australia;

---

<sup>16</sup> Murdoch Media Inquiry Bill 2023, cl. 6.

<sup>17</sup> Note: Subclause 6(3) of the bill clearly states that 'a person is not eligible for appointment as the member [of the Commission] unless the person *is a former judge*'. The EM is ambiguous on appointment; Part 2, Clause 6 states 'the Commission [shall] be constituted of one member appointed by resolution of the Senate, and that this Commissioner *must be or have been a Judge*' (emphasis added).

<sup>18</sup> Murdoch Media Inquiry Bill 2023, cl. 10.

- (l) the barriers faced by small, independent and community news outlets in Australia;
- (m) the role of government in supporting a viable and diverse public interest journalism sector in Australia; and
- (n) any matter reasonably incidental to a matter mentioned in the above paragraphs.

1.21 The EM sets out that the terms of reference have been drafted to provide for broad investigation:

The terms of reference have been drafted to allow the Commission to undertake a broad investigation of the media industry in Australia as a whole, as well as look specifically at the conduct and practices of the Murdoch media empire in Australia.<sup>19</sup>

1.22 The bill stipulates that the conduct of the inquiry will not adversely interfere with any matter before the courts. The Media Commission is not required to inquire or continue to inquire into a matter if it is satisfied that the matter has been, is being or will be sufficiently and appropriately dealt with by another inquiry or investigation or a criminal or civil proceeding.<sup>20</sup>

1.23 The Media Commission would be able to determine its priorities to investigate and report on matters.<sup>21</sup>

### **Report to Parliament**

1.24 The Media Commission is required to present its report to the Presiding Officers of the Parliament, the President of the Senate and the Speaker of the House of Representatives. The report, containing findings and any recommendations, is required to be presented within one year of the inquiry's commencement, but the reporting period can be extended through a resolution of the Senate.<sup>22</sup>

1.25 The bill seeks to establish that the report be made public by the Presiding Officers as soon as is practicable.<sup>23</sup>

1.26 A separate report may be provided to the Presiding Officers with findings and conclusions which may prejudice a current criminal proceeding or investigations, disclose confidential sources or prejudice or endanger a person.<sup>24</sup>

1.27 Any separate report is not required to be made public.

---

<sup>19</sup> Murdoch Media Inquiry Bill 2023, *Explanatory Memorandum*, [p. 3].

<sup>20</sup> Murdoch Media Inquiry Bill 2023, subcl. 7(2).

<sup>21</sup> Murdoch Media Inquiry Bill 2023, subcl. 7(3).

<sup>22</sup> Murdoch Media Inquiry Bill 2023, cl. 8.

<sup>23</sup> Murdoch Media Inquiry Bill 2023, subcl. 8(5).

<sup>24</sup> Murdoch Media Inquiry Bill 2023, subcl. 8(4).

### **Media Commission hearings**

- 1.28 The Media Commission may hold hearings anywhere in Australia, as a public hearing unless otherwise determined by the Commission. A person appearing before the Commission may be represented by a legal practitioner.
- 1.29 Hearings conducted in private are to be attended only by the persons authorised by the Commission and the legal practitioners representing them.
- 1.30 The Commission may give directions relating to the publication of evidence and must ensure that the publication does not prejudice or endanger a person or interfere with a fair trial.<sup>25</sup> Evidence which may be published on the authority of the Commission includes:
- evidence given before the Commission;
  - a document's contents or description of a thing provided to the Commission or seized pursuant to a warrant issued under clause 13 of the bill;
  - any information which might identify a person who has given evidence to the Commission; and
  - the fact that a person has given, or is about to give, evidence at a hearing.<sup>26</sup>
- 1.31 A witness may be required to take an oath or make an affirmation, to be administered by the Commissioner.<sup>27</sup>

### **Powers of the Media Commission**

- 1.32 The Media Commission would be provided with a range of powers to conduct its function to inquire into the matter before it. These powers relate to access to witnesses and information.
- 1.33 Under the bill, the Commission would be given coercive powers to compel a witness to attend a hearing, to give evidence at that hearing, and to produce documents. Witnesses at the hearings may be cross-examined by Counsel assisting the Commission as well as others called to give evidence or their legal practitioners.<sup>28</sup> The Commission would also be granted the power to issue an arrest or search warrant, obtain relevant material from the Australian Communications and Media Authority (ACMA), and inspect, retain and return documents.<sup>29</sup>
- 1.34 Relating to warrants, the Commission would be granted the power to issue an arrest warrant or a search warrant. An arrest warrant would be issued to bring

---

<sup>25</sup> Murdoch Media Inquiry Bill 2023, cl. 9.

<sup>26</sup> Murdoch Media Inquiry Bill 2023, subcl. 9(8).

<sup>27</sup> Murdoch Media Inquiry Bill 2023, subcl. 11(2). In this report 'Commissioner' is used to refer to the Commission of Inquiry appointed Member.

<sup>28</sup> Murdoch Media Inquiry Bill 2023, cl. 11.

<sup>29</sup> Murdoch Media Inquiry Bill 2023, cl. 12–15.

a witness before a hearing or hold them in custody until ordered by the Commissioner. Search warrants would be issued to obtain relevant material if the Commission has the reasonable grounds to suspect that the documents or material would be concealed, lost, mutilated, or destroyed if summonsed.<sup>30</sup>

- 1.35 The execution of both warrants is to be carried out by the Australian Federal Police or a state or territory police officer who will have legal access to the premises.<sup>31</sup>
- 1.36 The Media Commission would also have the power to obtain relevant material from the ACMA.<sup>32</sup>
- 1.37 Under the provisions of the bill, the Commission may also inspect any documents or materials produced before, or delivered to the Commission, retain the documents for as long as is necessary, and make copies. When no longer required by the Commission, the documents may be returned to the person who has provided them, or the Commission may deal with the documents at the person's direction.<sup>33</sup>

### **Operation of the Media Commission**

- 1.38 The bill sets out the operation of the Media Commission, including in relation to the conduct of hearings and publication of evidence, replacement of the Commissioner, payment of the Commissioner, hiring of staff, protections and immunities, witness reimbursements, sharing of information, funding, and the power of the relevant Minister regarding the functioning and operation of the Commission.<sup>34</sup>

### ***Offences***

- 1.39 The bill sets out the penalty regime for various offences relating to the Commission, with each act constituting a separate offence.<sup>35</sup> For the most part, the proposed penalties align with those in the *Royal Commissions Act 1902*.
- 1.40 However, proposed penalties for the dismissal of a witness by an employer are higher (five years versus one year imprisonment), as are contempt of Commission offences (12 months versus three months imprisonment). Lower

---

<sup>30</sup> Murdoch Media Inquiry Bill 2023, cl. 12–13.

<sup>31</sup> Murdoch Media Inquiry Bill 2023, cl. 12–13.

<sup>32</sup> Murdoch Media Inquiry Bill 2023, cl. 14.

<sup>33</sup> Murdoch Media Inquiry Bill 2023, cl. 15.

<sup>34</sup> Murdoch Media Inquiry Bill 2023, cl. 9, 11 and 27–35.

<sup>35</sup> Murdoch Media Inquiry Bill 2023, Part 4—Offences.

penalties are proposed for failure to attend or produce documents or provide evidence (six months versus two years' imprisonment).<sup>36</sup>

**Table 1.1 Proposed penalty regime**

Clause	Title	Maximum penalty
16	Unauthorised presence at hearing or publication of evidence	6 months imprisonment
17	Failure of witnesses to attend or produce documents	6 months imprisonment
18	Refusal to be sworn or give evidence	6 months imprisonment
20	False or misleading evidence	5 years imprisonment
21	Destroying documents or other things	2 years imprisonment
22	Intimidation or dismissal of witnesses	5 years imprisonment
23	Preventing witnesses from attending	12 months imprisonment
24	Bribery of witness	5 years imprisonment
25	Fraud on witness	2 years imprisonment
26	Contempt of Commission	12 months imprisonment

### **Financial impact statement**

1.41 The bill's EM does not outline the financial impact of the bill and the establishment of a Commission of Inquiry.

### **Human rights compatibility**

1.42 The EM notes that the bill is compatible with human rights as it does not engage any human rights issues.<sup>37</sup>

### **Scrutiny of Bills Committee**

1.43 The Senate Standing Committee for the Scrutiny of Bills (Scrutiny of Bills Committee) reviewed the bill and noted that some proposed provisions may

<sup>36</sup> Murdoch Media Inquiry Bill 2023, *Explanatory Memorandum*, [pp. 5–6]; *Royal Commissions Act 1902*, s. 3, 6, and Part 3—Offences.

<sup>37</sup> Murdoch Media Inquiry Bill 2023, *Explanatory Memorandum*, p. 8.

raise scrutiny concerns under Senate Standing Order 24, relating to the scrutiny of bills.<sup>38</sup>

1.44 The Scrutiny of Bills Committee noted concerns relating to Standing Order 24(1)(a)(i), relating to whether bills or Acts trespass unduly on personal rights and liberties. These concerned:

- clauses 12 and 13, with the potential concern that the provisions may raise scrutiny concerns under principle (i) in relation to coercive powers (arrest of witnesses and use of search warrants); and
- clauses 16–26 relating to offences, with potential concerns under principle (i) in relation to significant penalties which have not been justified within the explanatory memorandum.

1.45 The Scrutiny of Bills Committee commented that if the bill were to proceed to further stages of debate, it may request further information from the proponent of the bill.<sup>39</sup>

1.46 Chapter 2 considers the views of submitters to the inquiry, and the changing media environment.

---

<sup>38</sup> Senate Standing Committee for the Scrutiny of Bills, *Scrutiny Digest No. 7, 2023*, p. 17.

<sup>39</sup> Senate Standing Committee for the Scrutiny of Bills, *Scrutiny Digest No. 7, 2023*, p. 17.

# Chapter 2

## Views on the bill

- 2.1 This chapter discusses submitters' views about the need for an inquiry into Australia's media landscape, issues for consideration by the proposed Murdoch Media Commission of Inquiry (Media Commission) and other matters relating to the Murdoch Media Inquiry Bill 2023 (the bill).
- 2.2 The chapter then provides an overview of measures being implemented to support a robust media in Australia and areas for further development, developments since this inquiry commenced, and concludes with the committee's views and recommendation.

### Views on an inquiry into Australia's media diversity

#### The need for an inquiry

- 2.3 Submitters to the inquiry were overwhelmingly in favour of an inquiry into the current state of media diversity, the conduct of media outlets in Australia and their impact on our democracy, with a particular focus on the Murdoch media.<sup>1</sup>
- 2.4 The Centre for Advancing Journalism at the University of Melbourne strongly supported the bill, arguing that the media should be held to account and that an inquiry would be 'an assertion of parliamentary authority' in the face of media power.<sup>2</sup>
- 2.5 Australians for a Murdoch Royal Commission supported the bill, submitting:
- ... the inquiry as proposed would have a profound impact on Australia's broken media landscape and ... such an inquiry would be in a strong position to make the media reform recommendations our society so urgently needs.<sup>3</sup>
- 2.6 The bill also received support from the Local and Independent News Association (LINA); however, it warned that an inquiry should not slow down the implementation of measures to support local media:

LINA shares the Commonwealth's objectives to reduce news deserts and strengthen public interest news services for communities across Australia. From that perspective, LINA supports the rationale behind the Murdoch Media Inquiry Bill, but notes that it should not delay already overdue

---

<sup>1</sup> See, for example: Local and Independent News Association, *Submission 1*, [p. 1]; Research Centre for Public Health, Equity and Human Flourishing, Torrens University Australia (Research Centre for Public Health), *Submission 5*, [p. 1]; Victorian Trades Hall Council, *Submission 9*, [p. 4]; Centre for Advancing Journalism, University of Melbourne, *Submission 16*, p. 1.

<sup>2</sup> Centre for Advancing Journalism, *Submission 16*, p. 1.

<sup>3</sup> Australians for a Murdoch Royal Commission, *Submission 21*, p. 1.

actions to curb the closure of local newsrooms and the reduction of journalism skills in regions. This work is urgent and the proposed Inquiry should inform further steps and not slow down work already underway.<sup>4</sup>

### **Matters for inquiry**

- 2.7 Many submitters bolstered their call for an inquiry into media diversity by drawing the committee's attention to areas where they consider change essential.
- 2.8 It was widely recognised by submitters that 'quality news and public interest journalism play an important role in the functioning of Australian society and democracy', including through the development of trust and social cohesion, and by holding people and institutions to account.<sup>5</sup> The Law Society of NSW Young Lawyers noted specifically 'the capacity of citizens to exercise this constitutional right [to a free and informed vote] depends, in part, on the availability of relevant, trustworthy and diverse information'.<sup>6</sup>
- 2.9 Further, submitters acknowledged that media outlets in regional and remote areas provide an essential information sharing and community building service locally, 'providing accurate and relevant information to local communities'.<sup>7</sup>
- 2.10 In contrast, other submitters drew attention to the negative impacts of reporting which is biased and unethical, lacks diversity and does not report on diverse views, and spreads dis and misinformation.<sup>8</sup> For example, Croakey Health Media submitted:
- The current regulatory environment for media in Australia is insufficient, resulting in media concentration and lack of diversity in the mainstream media sector, which hampers the functioning of democracy and is unresponsive to community interests.<sup>9</sup>
- 2.11 Mr Aaron Lim concluded that when public trust in the media is lost, people turn to other, potentially less reliable sources of information.<sup>10</sup>

---

<sup>4</sup> Local and Independent News Association, *Submission 1*, [p. 1].

<sup>5</sup> Department of Infrastructure, Transport, Regional Development, Communications and the Arts, *Submission 11*, p. 3; Local and Independent News Association, *Submission 1*, [p. 1]; Community Broadcasting Association of Australia, *Submission 3*, p. 1; The Law Society NSW Young Lawyers, *Submission 7*, pp. 4–5 and 7; Victorian Trades Hall Council, *Submission 9*, [p. 3]; Croakey Health Media, *Submission 18*, p. 4; Rainbow Rights Watch, *Submission 22*, p. 3.

<sup>6</sup> The Law Society NSW Young Lawyers, *Submission 7*, p. 4.

<sup>7</sup> Local and Independent News Association, *Submission 1*, [pp. 1–3].

<sup>8</sup> The Law Society of NSW Young Lawyers, *Submission 7*, p. 4.

<sup>9</sup> Croakey Health Media, *Submission 18*, p. 5.

<sup>10</sup> Mr Aaron Lim, *Submission 2*, p. 1.

2.12 The Victorian Trades Hall Council highlighted the impact of biased reporting, which it said 'emboldens' extremist far-right groups and has provided 'a huge platform to racist perspectives within mainstream political debate'.<sup>11</sup>

2.13 The Law Society of NSW Young Lawyers pointed to the impacts of media concentration on democracy:

Specifically, concentration in media ownership impacts democracy by reducing the democratic distribution of communicative power, eroding democratic safeguards of accountability and discourse (whether in optics or in practice), and thirdly by centring profitability, which may result in reduced investment in journalism overall.<sup>12</sup>

2.14 Specific advocacy groups, including those advocating for gender diversity, public health and climate action, highlighted the impacts of negative and discriminatory reporting—particularly by Murdoch-owned media outlets—on communities and individuals.<sup>13</sup> For example, the South Australian Rainbow Advocacy Alliance stated:

the impact this [reporting] has, particularly on young people is devastating and without doubt contributes to the well documented poorer mental health outcomes that are prevalent in our community.<sup>14</sup>

2.15 The Wilderness Society advised of wider impacts:

Rather than engaging with scientific evidence, these networks project the issue through a political lens. This tactic is seen in messages that portray climate change as a vehicle for a radical government agenda, suggest climate action would harm the economy, and label concern about the crisis as hysteria. These messages, along with false arguments and attacks on climate advocates, not only contribute to disinformation and hinder meaningful discourse on urgent climate issues, but pose a direct threat to public health and safety.<sup>15</sup>

2.16 A number of submitters discussed the concentration of media ownership in Australia and provided data to support their conclusions about concentration of ownership. Overwhelmingly, submitters felt media ownership is too concentrated because of inadequate government regulation and industry self-regulation, changing business models and consumption trends including

---

<sup>11</sup> Victorian Trades Hall Council, *Submission 9*, [pp. 1–3].

<sup>12</sup> The Law Society of NSW Young Lawyers, *Submission 7*, p. 4.

<sup>13</sup> See, for example: Transgender Victoria, *Submission 4*, [pp. 1–2 and 4–5]; South Australian Rainbow Advocacy Centre, *Submission 8*, pp. 1–2; Wilderness Society, *Submission 13*, pp. 2 and 4; Australian Parents for Climate Action, *Submission 14*, pp. 2–3; A Gender Agenda, *Submission 15*, [p. 2]; GetUp!, *Submission 23*, [p. 1]; Croakey Health Media, *Submission 18*, p. 4.

<sup>14</sup> South Australian Rainbow Advocacy Centre, *Submission 8*, p. 2.

<sup>15</sup> Wilderness Society, *Submission 13*, p. 2.

the impact of global online platforms, and the commercialisation and monetisation of reporting.<sup>16</sup>

- 2.17 The Law Society NSW Young Lawyers drew the committee's attention to 2017 amendments to the *Broadcasting Services Act 1992*, which loosened ownership rules and, they contended, 'contributed to an increase in concentration of ownership'. The Young Lawyers further suggested that the capacity of the regulator to consider public interest factors when assessing market competitiveness was negatively impacted.<sup>17</sup>
- 2.18 Further, the committee was advised that existing regulatory arrangements 'which are a mixture of self-regulation and delegated statutory authority mainly exercised by the Australian Communications and Media Authority' (ACMA) are not sufficiently robust. The Australian Press Council 'sets standards and responds to complaints about material in Australian newspapers and magazines, as well as a growing number of online-only publications'. The Council was also found wanting,<sup>18</sup> given the 'inherent limitations of an industry self-regulator that draws members and funding from the same organisations it criticises'.<sup>19</sup>
- 2.19 When considering media concentration and diversity, several submitters referenced the need for greater content diversity—not just diversity of ownership. The Law Society NSW Young Lawyers submitted 'a modern approach would [also] consider diversity in the range of topics covered, the perspectives presented, and the sources of information used'.<sup>20</sup>

### *Changing environment*

- 2.20 The committee heard that Australians are increasingly accessing news and current affairs from digital sources, with recent trends showing growing

---

<sup>16</sup> See, for example: Local and Independent News Association, *Submission 1*, [pp. 1–2]; The Law Society NSW Young Lawyers, *Submission 7*, p. 6; Centre for Advancing Journalism, *Submission 16*, pp. 3–5; Croakey Health Media, *Submission 18*, p. 5; Fremantle Herald, *Submission 24*, pp. 12–13; Wilderness Society, *Submission 13*, p. 3; Journalism Education and Research Association of Australia, *Submission 20*, [pp. 2–3]; Rainbow Rights Watch, *Submission 22*, p. 24. See also: Australian Communications and Media Authority, [News in Australia: diversity and localism International comparisons](#), December 2020, pp. 1–2.

<sup>17</sup> The Law Society NSW Young Lawyers, *Submission 7*, pp. 4 and 6–7; see also Centre for Advancing Journalism, *Submission 16*, pp. 3–5. See also: Australian Communications and Media Authority, *News in Australia: diversity and localism: International comparisons*, December 2020, pp. 7 and 10.

<sup>18</sup> Centre for Advancing Journalism, *Submission 16*, p. 3; Australian Press Council, [Home](#) (accessed 15 January 2024).

<sup>19</sup> Centre for Advancing Journalism, *Submission 16*, p. 3. See also: Croakey Health Media, *Submission 18*, p. 8; Rainbow Rights Watch, *Submission 22*, pp. 11 and 23–25.

<sup>20</sup> The Law Society NSW Young Lawyers, *Submission 7*, pp. 4–5 and 6; see also Centre for Advancing Journalism, *Submission 16*, p. 5.

consumption of news from news websites, social media, podcasts and news aggregator sites.<sup>21</sup> Media business models are likewise increasingly based on digital delivery and changing advertising and revenue arrangements.<sup>22</sup>

- 2.21 Submitters, such as Croakey Health Media and the Centre for Advancing Journalism, maintained that powerful, profit-driven, multi-national digital media platforms driven by algorithms—including Facebook, Google, Meta, News Corp and X—have weakened public interest reporting and led to 'a narrowly focussed and biased media environment' and an increase in mis and disinformation. Croakey further suggested that 'significant policy measures to date, such as the News Media and Digital Platforms Mandatory Bargaining Code [discussed later in this chapter], have undermined media diversity'.<sup>23</sup>
- 2.22 Commercialisation and monetisation of news and current affairs reporting—combined with lack of robust journalistic culture, ethics and practices—was seen as an additional factor in declining rates of public interest reporting. Submitters suggested that 'substantive public service journalism, while important, was likely to be ignored and replaced with clickbait journalism and sensationalist reporting with a higher potential of attracting clicks and subscriptions'.<sup>24</sup>
- 2.23 Several submitters pointed to current challenges to the sustainability of local and independent news reporting. The LINA noted media concentration, audience moves to digital consumption, and 'the weakening of business models sustained by advertising and user-fees on a global scale' as key changes. It contended that scarce resources, socioeconomic pressures on both audiences and advertisers, and the localised impact of smaller community news outlets create further barriers to media sustainability.<sup>25</sup>
- 2.24 Given the changing environment and the acknowledged speed of change, the sponsor of the bill, Senator Hanson-Young, called for a reframing of the

---

<sup>21</sup> Department of Infrastructure, Transport, Regional Development, Communications and the Arts, *Submission 11*, p. 4.

<sup>22</sup> See, for example: Local and Independent News Association, *Submission 1*, [pp. 1–2]; Standard Media Index, *Submission 12*, pp. 2 and 5–6; Department of Infrastructure, Transport, Regional Development, Communications and the Arts, *Submission 11*, p. 5.

<sup>23</sup> Croakey Health Media, *Submission 18*, pp. 4, 8 and 10; Centre for Advancing Journalism, *Submission 16*, pp. 4–5 and 7; Rainbow Rights Watch, *Submission 22*, p. 12; GetUp!, *Submission 23*, [pp. 4 and 7]; Fremantle Herald, *Submission 24*, p. 30.

<sup>24</sup> Journalism Education and Research Association of Australia, *Submission 20*, [p. 3]; Centre for Advancing Journalism, *Submission 16*, pp. 5–6 and 13; Mr Aaron Lim, *Submission 2*, p. 3; Wilderness Society, *Submission 13*, p. 5.

<sup>25</sup> Local and Independent News Association, *Submission 1*, [pp. 1–3]. See also: Centre for Advancing Journalism, *Submission 16*, p. 5; Croakey Health Media, *Submission 18*, p. 7.

emphasis for 'some type of independent Commission' to look at the regulation of all media outlets equally, including major tech platforms.

2.25 Senator Hanson-Young stated that compared to unregulated social media platforms, Murdoch media could be considered a 'trusted' news provider:

Upon reflection, I think the community, while they're upset and they distrust the Murdoch media, they're increasingly looking at other players and going 'you know, this needs a clean up across the board'.<sup>26</sup>

2.26 Senator Hanson-Young raised concerns about the platforms, including their use of algorithms, monetisation of people's data, and amplification of extreme views and hatred. She argued for better overarching regulation of all news media providers to limit harm and ensure the availability of trusted news to restore community trust and platforms' social licence to operate, as well as build informed democracy.<sup>27</sup>

2.27 In particular, Senator Hanson-Young called for social media platforms to be designated to pay for news content, but also platforms 'need to be designated to carry news in the public interest, because otherwise it will just be a platform of mis and disinformation that can never be debunked by you, me, an individual user or an organisation'.<sup>28</sup> The Australian Government has introduced further measures to address these issues, as discussed later in this chapter.

### ***Petition for a Royal Commission***

2.28 Several submitters referenced the high public interest in the previous Senate inquiry into media diversity—an inquiry which attracted over 5000 submissions—and the petition calling for a Royal Commission into media diversity. The petition, received by the House of Representatives on 9 November 2020, received 501 876 signatures of support, and was claimed to be Australian Parliament's most signed petition.<sup>29</sup>

2.29 The then Minister for Communications, Urban Infrastructure, Cities and the Arts, the Hon Paul Fletcher MP, responded to the petition in late January 2021

---

<sup>26</sup> Karen Middleton and Josh Butler, '[Sarah Hanson-Young softens demand for inquiry into Murdoch media](#)', *The Guardian*, 27 April 2024 (accessed 5 August 2024); Karen Middleton, '[Sarah Hanson-Young on the debate around free speech on social media – podcast](#)', *The Guardian*, 27 April 2024 (accessed 5 August 2024).

<sup>27</sup> 'Sarah Hanson-Young softens demand for inquiry into Murdoch media'; 'Sarah Hanson-Young on the debate around free speech on social media – podcast'.

<sup>28</sup> 'Sarah Hanson-Young softens demand for inquiry into Murdoch media'; 'Sarah Hanson-Young on the debate around free speech on social media – podcast'.

<sup>29</sup> House of Representatives, [Petition EN1938 - Royal Commission to ensure a strong, diverse Australian news media](#) (accessed 1 August 2024); The Hon Dr Andrew Leigh, Member for Fenner, House of Representatives, *Hansard*, 9 November 2020, p. 9035. See, for example: Mr Aaron Lim, *Submission 2*, pp. 1–2; Mr Palaniappan Subramanian, *Submission 10*, [p. 1]; Australians for a Murdoch Royal Commission, *Submission 21*, p. 1; GetUp!, *Submission 23*, [pp. 4 and 6].

advising that work was already being done to improve media diversity and sustainability, highlighting that:

- existing rules already supported a diverse media sector; and
- the Australian Government had already put measures in place to support media businesses, including by investing in regional journalism, releasing the Regional and Small Publishers Innovation Fund, providing tax and short-term red tape release, supporting Australian screen content, releasing a media reform green paper for consultation, and the development of the News Media and Digital Platforms Mandatory Code.<sup>30</sup>

2.30 A subsequent petition calling for a Royal Commission, signed by 108 petitioners, was presented on 30 November 2020. Minister Fletcher made a similar response to that petition.<sup>31</sup>

2.31 Most of the areas identified in the petition for further inquiry are covered by the proposed Media Commission's terms of reference.<sup>32</sup>

### Commentary on the nature of the inquiry

2.32 Although several submitters called for a Royal Commission into Australia's media, there were no specific objections to the establishment of a Commission of Inquiry as opposed to a Royal Commission and the committee acknowledges the wide-ranging powers of the Commission powers, as proposed by the bill.<sup>33</sup>

### Terms of reference

2.33 Several submitters suggested extending the proposed Media Commission's terms of reference, to include the following explicit areas of inquiry:

- **labelling**— 'clear and prominent labelling' of media stories, for example, as opinion, advice or promotional, and the identification of any sponsors;
- **mandatory Code of conduct**— implementation of an enforceable media Code of conduct with an independent enforcement body;<sup>34</sup>

---

<sup>30</sup> The Hon Paul Fletcher MP, Minister for Communications, Urban Infrastructure, Cities and the Arts, [Ministerial response to Mr Ken O'Dowd MP](#), 30 January 2021.

<sup>31</sup> House of Representatives, [Petition EN1968 - Royal Commission to ensure a strong, diverse Australian news media](#) (accessed 8 December 2023); House of Representatives, *Hansard*, 30 November 2020, p. 9791.

<sup>32</sup> Murdoch Media Inquiry Bill 2023, cl. 7.

<sup>33</sup> See, for example: Australians for a Murdoch Royal Commission, *Submission 21*, p. 1; South Australian Rainbow Advocacy Alliance, *Submission 8*, p. 2; Victorian Trades Hall Council, *Submission 9*, [pp. 1 and 4]; Mr Palaniappan Subramanian, *Submission 10*, [p. 1].

<sup>34</sup> Mr Aaron Lim, *Submission 2*, p. 2.

- **ethics and populism in the media**—ethics and the monetisation and sensationalism of news reporting;<sup>35</sup>
- **reporting on climate change**—an explicit term of reference to explore 'the role of Murdoch-owned media outlets in the denial and denigration of climate science' and the impacts of climate change reporting on public discourse and policy;<sup>36</sup>
- **defamation laws**—the impact of current laws on investigative reporting;<sup>37</sup>
- **corruption and whistleblower protections**—including the adequacy of current measures;<sup>38</sup> and
- **tax affairs**—the tax affairs of Murdoch-owned media—in particular, 'the purported low rate of tax' paid in Australia'.<sup>39</sup>

### Turning minds to potential solutions

2.34 As well as commenting on the terms of reference and nature of the proposed Media Commission, some submitters discussed potential solutions to improve media diversity in Australia:

- **modernisation of regulations and the regulator**—with updated provisions to include diversity of content, perspective, and information sources in addition to diversity of media ownership;<sup>40</sup> requirements for truth in reporting and political advertising with appropriate penalties;<sup>41</sup> improvements to the regulatory system including a stronger independent regulator; and, better regulation of digital media;<sup>42</sup>
- **changes to defamation and whistleblower laws**—including rebalancing of current defamation laws to help protect free press and the open exchange of ideas;<sup>43</sup>
- **amendments to media ownership and competition laws**—including reinstating the 'fit and proper person' test in broadcasting legislation,<sup>44</sup>

---

<sup>35</sup> Mr Aaron Lim, *Submission 2*, p. 2; Wilderness Society, *Submission 13*, p. 5.

<sup>36</sup> Wilderness Society, *Submission 13*, pp. 1–3; Centre for Advancing Journalism, *Submission 16*, pp. 3, 5 and 8.

<sup>37</sup> Wilderness Society, *Submission 13*, p. 3.

<sup>38</sup> Wilderness Society, *Submission 13*, pp. 3–4.

<sup>39</sup> See: Mr Aaron Lim, *Submission 2*, p. 2; Wilderness Society, *Submission 13*, p. 4.

<sup>40</sup> The Law Society NSW Young Lawyers, *Submission 7*, pp. 4–6.

<sup>41</sup> Name withheld, *Submission 17*, [p. 1]; Rainbow Rights Watch, *Submission 22*, p. 25.

<sup>42</sup> Journalism Education and Research Association of Australia, *Submission 20*, [pp. 2–3]; Rainbow Rights Watch, *Submission 22*, p. 25; Fremantle Herald, *Submission 24*, p. 30; Transgender Victoria, *Submission 4*, [p. 4]; Name withheld, *Submission 17*, [p. 1]; GetUp!, *Submission 23*, [p. 4].

<sup>43</sup> Wilderness Society, *Submission 13*, p. 3.

<sup>44</sup> Centre for Advancing Journalism, *Submission 16*, pp. 4–5; GetUp!, *Submission 23*, [pp. 2, 4].

consideration of public interest when considering media ownership, and market competitiveness;<sup>45</sup>

- **implementation of an industry Code of conduct**—to establish ethics responsibilities;<sup>46</sup>
- **broader taxation relief and other support for industry**—including to address high newsroom costs and for not-for-profit and public interest media organisations;<sup>47</sup>
- **increased government spending on advertising**—as part of the 'role of government in supporting a viable and diverse public interest journalism sector', including legislated government advertising spend ratios;<sup>48</sup> and
- **improved media literacy**—to address mis and disinformation and improve informed decision-making and inclusion in Australian society.<sup>49</sup>

### Measures currently underway

2.35 The Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the department) described a number of measures aimed at improving media diversity—discussed below—which are already in the process of being developed and implemented.

2.36 The News Media Assistance Program (News MAP) aims to 'establish a robust evidence base and clear principles to guide future policy interventions that support public interest journalism and safeguard media diversity'.<sup>50</sup> It will gather data and measure news diversity to inform and guide the development of longer-term policy measures to foster public interest journalism and media diversity. Public consultation on News MAP, including on policy and regulatory objectives, the role for the public versus private sector, government support and incentives, measuring media diversity, and improving news and media literacy closed in late February 2024. No further details about the consultation have been released to date.<sup>51</sup>

---

<sup>45</sup> The Law Society NSW Young Lawyers, *Submission 7*, pp. 4 and 7; Local and Independent News Association, *Submission 1*, [p. 2].

<sup>46</sup> Rainbow Rights Watch, *Submission 22*, p. 25; Mr Aaron Lim, *Submission 2*, p. 3.

<sup>47</sup> Public Interest Journalism Initiative, *Submission 19*, pp. 11–12 and 31–32; Fremantle Herald, *Submission 24*, pp. 39–42 and 45–46; Croakey Health Media, *Submission 18*, pp. 10–11.

<sup>48</sup> Local and Independent News Association, *Submission 1*, [p. 3]; Croakey Health Media, *Submission 18*, pp. 10–11; Fremantle Herald, *Submission 24*, pp. 28–29, 31–34 and 44–46.

<sup>49</sup> Croakey Health Media, *Submission 18*, p. 11; Fremantle Herald, *Submission 24*, pp. 28 and 44.

<sup>50</sup> Department of Infrastructure, Transport, Regional Development, Communications and the Arts, [Have your say: News Media Assistance Program \(News MAP\)](#) (accessed 16 January 2024).

<sup>51</sup> Australian Communications and Media Authority, [Media Diversity Measurement Framework](#), 12 December 2023 (accessed 3 October 2024); Australian Communications and Media Authority, [New framework for measuring media diversity in Australia](#), 12 December 2023 (accessed 1 August 2024);

- 2.37 As part of News MAP, the ACMA is implementing the Media Diversity Measurement Framework to measure news diversity. In December 2023, the ACMA published advice it provided to the Australian Government on implementing the News Map including the results of public consultation and an updated framework. The updated framework includes key indicators for measuring diversity across source, content and exposure domains, with the framework intended to be reviewed and updated over time.<sup>52</sup>
- 2.38 The advice was accepted by the Australian Government, which included that the ACMA develop a regular report series examining the state of the Australian news market from the end of 2024 (and every two years thereafter). At the same time the Government announced \$10.5 million over four years for the implementation of the framework.<sup>53</sup>
- 2.39 In June 2024, the ACMA indicated it was 'moving towards fleshing out that [Media Diversity Measurement] framework, with the intent to provide a report to the government by the end of this year of what we've found and the datasets that we can access to really dig into the media diversity landscape of today, as opposed to the media landscape of 10 to 15 years ago'.<sup>54</sup>

### **News Media and Digital Platforms Mandatory Bargaining Code**

- 2.40 In 2021, the News Media and Digital Platforms Mandatory Bargaining Code (the Code) came into effect. The Code 'aims to help support the sustainability of the Australian news media sector by addressing bargaining power imbalances

---

Department of Infrastructure, Transport, Regional Development, Communications and the Arts, *Submission 11*, pp. 7 and 8; The Hon Michelle Rowland MP, Minister for Communications, '[Mapping a new approach for media diversity in the digital era](#)', *Media release*, 12 December 2023; Department of Infrastructure, Transport, Regional Development, Communications and the Arts, [News Media Assistance Program Consultation Paper](#), December 2023.

<sup>52</sup> Australian Communications and Media Authority, [News in Australia: diversity and localism](#) (accessed 16 January 2024); Australian Communications and Media Authority, [A new framework for measuring media diversity in Australia: Advice to government on the outcomes of public consultation and implementation](#), prepared August 2023, released December 2023, pp. 14 and 16–17; Department of Infrastructure, Transport, Regional Development, Communications and the Arts, *Submission 11*, p. 8; The Hon Michelle Rowland MP, Minister for Communications, 'Mapping a new approach for media diversity in the digital era', *Media release*, 12 December 2023.

<sup>53</sup> Australian Communications and Media Authority, *A new framework for measuring media diversity in Australia: Advice to government on the outcomes of public consultation and implementation*, prepared August 2023, released December 2023, p. 6; The Hon Michelle Rowland MP, Minister for Communications, 'Mapping a new approach for media diversity in the digital era', *Media release*, 12 December 2023. See also: Australian Communications and Media Authority, [Communications and media in Australia](#) (accessed 26 September 2024).

<sup>54</sup> Ms Nerida O'Loughlin, Chair and Agency Head, Australian Communications and Media Authority, *Joint Select Committee on Social Media and Australian Society Committee Hansard*, 21 June 2024, p. 48.

between digital platforms and Australian news businesses'.<sup>55</sup> It does this by providing incentives and mechanisms 'to ensure that digital platforms remunerate news businesses for the news content distributed on digital platform services, thereby helping to sustain public interest journalism in Australia'.<sup>56</sup>

2.41 A 2022 Treasury review of the Code found it 'has been a success to date' with over 30 agreements made with Google and Meta and a range of news businesses. This conclusion was reached despite some stakeholders raising 'concerns about the Code's impact on competition and media diversity'. The review made five recommendations for improvement—all of which were agreed by the Australian Government—including that:<sup>57</sup>

- the Government consider directing the ACCC [Australian Competition and Consumer Commission] to prepare periodic reports on extending the Code to other platforms;
- the Government consider the need for additional ACCC information gathering powers in relation to agreements between platforms and news businesses, in the context of its response to the ACCC's recent proposed major digital platforms reforms; and
- the Government consider Commissioning another review of the Code after it has operated for 4 years.<sup>58</sup>

2.42 This inquiry also received evidence raising concerns about the 'processes and outcomes of the Code' and its public policy effectiveness, as well as evidence on whether the Code has addressed the impact of global platforms on news sharing in Australia.<sup>59</sup>

---

<sup>55</sup> Department of Infrastructure, Transport, Regional Development, Communications and the Arts, *News Media Assistance Program Consultation Paper*, December 2023, p. 19.

<sup>56</sup> Australian Communications and Media Authority, [News media bargaining Code](#), 18 May 2022 (accessed 16 January 2024); Department of the Treasury, [News Media and Digital Platforms Mandatory Bargaining Code: The Code's first year of operation](#), November 2022, p. 3; Department of Infrastructure, Transport, Regional Development, Communications and the Arts, *Submission 11*, pp. 9–10.

<sup>57</sup> Department of the Treasury, *News Media and Digital Platforms Mandatory Bargaining Code: The Code's first year of operation*, November 2022, pp. 1 and 5; Department of Infrastructure, Transport, Regional Development, Communications and the Arts, *Submission 11*, pp. 9–10; The Hon Michelle Rowland MP, Minister for Communications and The Hon Stephen Jones MP, Assistant Treasurer and Minister for Financial Services, 'Government to implement all recommendations of News Media Bargaining Code review', *Media release*, 18 December 2023; Australian Government, [News Media and Digital Platforms Mandatory Bargaining Code: The Code's first year of operation: Government response](#), 18 December 2023.

<sup>58</sup> Department of the Treasury, [News Media and Digital Platforms Mandatory Bargaining Code—The Code's first year of operation](#), 1 December 2022 (accessed 16 January 2024).

<sup>59</sup> See, for example: Croakey Health Media, *Submission 18*, pp. 8 and 10; Local and Independent News Association, *Submission 1*, [p. 2]; Centre for Advancing Journalism, *Submission 16*, p. 5.

### *Operation of the Code*

- 2.43 The news media environment in Australia is rapidly changing, with the rising use of news content by artificial intelligence applications, as well as reports that digital platforms are 'reluctant' to renew news content contracts on expiry and that news content is significantly devalued prior to commercial negotiation.<sup>60</sup>
- 2.44 The Department noted that 'while the parties have chosen to announce these agreements, they have generally not released details of the publications or services covered by the deals, remuneration, or other related matters'.<sup>61</sup> Reporting in the *Australian Financial Review* indicated that since March 2021, more than \$200 million has been paid from Google and Meta to publishers, with another source suggesting that contracts with the various media companies are estimated at \$250 million annually.<sup>62</sup>
- 2.45 Google has indicated it will negotiate new deals with media publishers.<sup>63</sup> However, outlets have reported Meta's concerns with the Code, which it described as 'an untidy and short-term compromise', and its questioning of publishers' use of revenue from the commercial arrangements.<sup>64</sup> In March 2024, Meta confirmed it would not be renewing commercial deals with Australian news media companies when its contracts expire. At the time, the ABC reported that Meta would not block news content after the contracts expire but that it would shut down Facebook News software feature as news distribution is not a priority. Publishers stand to lose millions of dollars in funding.<sup>65</sup>

---

<sup>60</sup> Department of Infrastructure, Transport, Regional Development, Communications and the Arts, Senate Legislation Committee on Environment and Communications, answers to questions on notice, 24 May 2023, Budget estimates 2023–24, (received 13 July 2023); Sam Buckingham-Jones, '[Nine secretly believes Facebook and Google won't keep paying for news](#)', *Australian Financial Review*, 1 March 2023 (accessed 1 August 2024); Mark Bergen, '[Microsoft, OpenAI sued by New York Times for copyright infringement](#)', *Australian Financial Review*, 28 December 2023 (accessed 1 August 2024).

<sup>61</sup> Department of Infrastructure, Transport, Regional Development, Communications and the Arts, answers to questions on notice, 26 May 2021, Senate Legislation Committee on Environment and Communications Budget estimates 2021–22, (received 9 July 2021), p. 2.

<sup>62</sup> Sam Buckingham-Jones, 'Nine secretly believes Facebook and Google won't keep paying for news', *Australian Financial Review*, 1 March 2023; Jack Colreavy, Barclay Pearce Capital, '[Assessing the Impact: Meta's Stance on News Deals in Australia](#)', 5 March 2024 (accessed 1 August 2024).

<sup>63</sup> Sam Buckingham-Jones, '[Meta's News Media Bargaining Code deal with an Australian news publisher revealed](#)', *Australian Financial Review*, 4 March 2024 (accessed 1 August 2024).

<sup>64</sup> Sam Buckingham-Jones, 'Nine secretly believes Facebook and Google won't keep paying for news', *Australian Financial Review*, 1 March 2023.

<sup>65</sup> Meta, '[An Update on Facebook News](#)', *Media release*, 29 February 2024 (accessed 1 August 2024); Georgia Roberts and Matthew Doran, '[Meta won't renew commercial deals with Australian news media](#)', *ABC News*, 1 March 2024 (accessed 1 August 2024); Sam Koslowski and Zara Seidler, '[Meta](#)

2.46 The Minister for Communications, the Hon Michelle Rowland MP, and the Assistant Treasurer, the Hon Stephen Jones MP, indicated the Government had been clear in its expectations that 'we expect publishers and social media platforms who are parties to existing agreements to knuckle down and negotiate in good faith'.<sup>66</sup> On news of Meta's decision, they responded:

Meta's decision to no longer pay for news content in a number of jurisdictions represents a dereliction of its commitment to the sustainability of Australian news media.

The Government has made its expectations clear.

The decision removes a significant source of revenue for Australian news media businesses. Australian news publishers deserve fair compensation for the content they provide.

The Australian Government is committed to the News Media Bargaining Code and is seeking advice from Treasury and the ACCC on next steps.<sup>67</sup>

2.47 The Minister for Communications advised that the Australian Government was deciding whether to designate a platform under the Code and force them into mediation (or risk fines). This process would involve data gathering and analysis to determine whether there is a significant bargaining power imbalance between the platform and an Australia news business, and whether the platform has made a significant contribution to the sustainability of the Australia news industry.<sup>68</sup>

2.48 Meta contended that news consumption on its platforms has dropped significantly, while others have suggested that Meta has changed its algorithms behind the scenes to make news less visible on its platform. This makes it difficult to assess real demand for news content on the platform. The Australian Government has also sought feedback from publishers on their views about designations, as well as considering events in other jurisdictions around the world.<sup>69</sup>

---

[won't pay for Australian news. Here's what that means for us](#), *The Daily Aus*, 5 March 2024 (accessed 1 August 2024).

<sup>66</sup> The Hon Michelle Rowland MP, Minister for Communications and The Hon Stephen Jones MP, Assistant Treasurer, Minister for Financial Services, '[Transcript—Press conference—Sydney](#)', *Transcript*, 1 March 2024 (accessed 1 August 2024).

<sup>67</sup> The Hon Michelle Rowland MP, Minister for Communications and The Hon Stephen Jones MP, Assistant Treasurer, Minister for Financial Services, '[Meta's news content announcement](#)', *Media release*, 1 March 2024 (accessed 1 August 2024).

<sup>68</sup> The Hon Michelle Rowland MP, Minister for Communications, '[Interview with Patricia Karvelas, ABC Radio National Breakfast](#)', *Interview*, 15 March 2024 (accessed 1 August 2024).

<sup>69</sup> The Hon Michelle Rowland MP, 'Interview with Patricia Karvelas, ABC Radio National Breakfast'; Annika Burgess, '[Meta is ending its deals to pay for Australian news content. This is how it could change your Facebook and Instagram feeds](#)', *ABC News*, 2 March 2024 (accessed 1 August 2024); Sam Buckingham-Jones and John Kehoe, '[Meta says it won't renew Facebook news deals with](#)

2.49 News publishers have warned that Meta may remove news from its platforms if it is designated, as it did in Canada. The Australian Government advised in June 2024 that the ACCC had provided advice to the Assistant Treasurer on the implementation of the Code, in particular 'whether there is a significant bargaining power imbalance between Australian news businesses and the platforms'. At the same time, Treasury indicated the Government was both seeking and providing advice on a range of issues, including potential 'must carry' rules to force Meta to retain news on its platforms, the extent to which taxation powers could be used to encourage platforms to comply, and the enforcement of any changes on a global tech company.<sup>70</sup>

### **Disinformation and misinformation**

2.50 In 2019, the Australian Government asked major digital platforms to develop a voluntary Code of practice to address online disinformation, misinformation and news quality concerns. The voluntary Australian Code of Practice on Disinformation and Misinformation (the Dis-Misinformation Code) was launched by the Digital Industry Group Inc (DIGI) in February 2021. The Dis-Misinformation Code has been adopted by Adobe, Apple, Meta, Google, Legitimate, Microsoft, Redbubble, TikTok and Twitch.<sup>71</sup>

2.51 In June 2021, the ACMA provided the inaugural report to the Australian Government on the adequacy of digital platforms' disinformation and news quality measures. It found that mis- and disinformation was being spread via online platforms, was causing harm, and most Australians wanted to see it better addressed.<sup>72</sup>

2.52 The ACMA's second transparency report, released in July 2023, found that Australians were increasingly concerned about the spread of dis- and misinformation, and that there had been some improvements to the Dis-Misinformation Code and its administration. However, the ACMA also highlighted that the industry needed to take further steps to review and make

---

[media companies such as Nine Entertainment, News Corp, Seven West Media](#)', *Australian Financial Review*, 1 March 2024 (accessed 1 August 2024); Nick Evershed and Josh Taylor, "[News on Facebook is dead": memes replace Australian media posts as Meta turns off the tap](#)", *The Guardian*, 6 May 2024 (accessed 1 August 2024).

<sup>70</sup> Ms Catriona Lowe, Deputy Chair, Australian Competition and Consumer Commission, *Joint Select Committee on Social Media and Australian Society Committee Hansard*, 21 June 2024, pp. 17–18; Josh Taylor, '[Forcing Meta to carry news on Facebook and Instagram a scenario being considered by Australian government](#)', *The Guardian*, 25 June 2024 (accessed 1 August 2024); Mr Tony McDonald, Assistant Secretary, Competition and Consumer Branch, Department of the Treasury, *Joint Select Committee on Social Media and Australian Society Committee Hansard*, 25 June 2024, pp. 5–6.

<sup>71</sup> Digital Industry Group Inc (DIGI), [Disinformation Code](#) (accessed 25 September 2024).

<sup>72</sup> Australian Communications and Media Authority, [ACMA Misinformation report: Fact sheet 1: Key research findings](#), 2022, pp. 1–2.

the Dis-Misinformation Code more responsive to technology and other developments, provide better reporting and transparency over the ways in which they are tackling dis- and misinformation, and improve complaints handling and Code administration.<sup>73</sup>

- 2.53 In September 2024, the ACMA released its third report on the operation of the Dis-Misinformation Code. The report concluded that more Australians than ever are concerned about dis- and misinformation on digital platforms. It also found that while some reporting had improved, 'reports are inconsistent, data is patchy and Australians cannot be confident that platforms are delivering on Code commitments'. In the report the ACMA indicated it was progressing work on a Code measurement framework for future implementation, particularly given lack of progress on development of key, industry-wide key performance measures.<sup>74</sup>
- 2.54 Ms Nerida O'Loughlin, Chair of the ACMA, appearing before the Joint Select Committee on Social Media and Australian Society, reported 'we think there is a very urgent need for the [signatories to the Dis-Misinformation Code] to improve the level of transparency about the measures they have in place and the actions they're taking', as well as 'significant improvements' required to that Code.<sup>75</sup>

### **Other media reform measures**

- 2.55 More broadly, the Department anticipated further regulatory reform in relation to media—informed by several previous reviews of Australia's media regulatory framework. It advised that the Australian Government is 'committed to a program of media reform to modernise media regulations and fulfil the legitimate expectations of citizens and consumers and industry for consistency and equity in our regulatory environment'.<sup>76</sup>

---

<sup>73</sup> Australian Communications and Media Authority, [Digital platforms' efforts under the Australian Code of Practice on Disinformation and Misinformation: second report to government](#), July 2023, pp. 1–5.

<sup>74</sup> Australian Communications and Media Authority, [Digital platforms' efforts under voluntary arrangements to combat misinformation and disinformation: third report to government](#), September 2024, pp. 1–3.

<sup>75</sup> Ms Nerida O'Loughlin, Chair and Agency Head, Australian Communications and Media Authority, *Joint Select Committee on Social Media and Australian Society Committee Hansard*, 21 June 2024, pp. 46 and 54.

<sup>76</sup> Department of Infrastructure, Transport, Regional Development, Communications and the Arts, *News Media Assistance Program Consultation Paper*, December 2023, p. 19; Department of Infrastructure, Transport, Regional Development, Communications and the Arts, *Submission 11*, p. 11.

2.56 The ACMA and the Australian Government are progressing a range of other measures aimed at improving media diversity and addressing dis- and misinformation, including:<sup>77</sup>

- ongoing cross-agency engagement through the Digital Platform Regulators Forum (DP-REG), comprising the ACCC, the ACMA, the eSafety Commissioner, and the Office of the Australian Information Commissioner. Key priorities for 2024–26 include building regulatory coherence, increased collaboration and information sharing, and building understanding and responses to emerging technologies, including artificial intelligence;<sup>78</sup>
- the ACCC's five-year inquiry into digital platforms services, anticompetitive and unfair conduct, and including the latest report which examined developments in general search services, including the impact of artificial intelligence;<sup>79</sup>
- plans to introduce legislation requiring age verification for children to access social media, before the end of 2024;<sup>80</sup>
- modernisation of the National Classification Scheme, including amendments to 'improve the capacity of the National Classification Scheme to classify growing volumes of content, promote industry compliance and reduce classification timeframes and costs' and the addition of new classifications for gambling-like content in video games;<sup>81</sup>

---

<sup>77</sup> See also: Department of Infrastructure, Transport, Regional Development, Communications and the Arts, *Submission 11*, p. 11; Nell Fraser, Parliamentary Library, 'Media regulation—what to expect in 2024', *Flagpost*, 28 March 2024.

<sup>78</sup> Digital Platform Regulators Forum, *Communique*, [2024], [pp. 1–2] (accessed 25 September 2024); Digital Platform Regulators Forum, *Working Paper 3: Examination of technology–Multimodal Foundation Models*, 19 August 2024.

<sup>79</sup> Australian Competition and Consumer Commission, '[ACCC to examine internet search](#)', *Media release*, 18 March 2024 (accessed 25 September 2024); Ms Catriona Lowe, Deputy Chair, Australian Competition and Consumer Commission, *Joint Select Committee on Social Media and Australian Society Committee Hansard*, 21 June 2024, p. 18; Mr Tony McDonald, Assistant Secretary, Competition and Consumer Branch, Department of the Treasury, *Joint Select Committee on Social Media and Australian Society Committee Hansard*, 21 June 2024, pp. 8–9.

<sup>80</sup> Mrs Julie Inman Grant, Commissioner, eSafety Commissioner, *Joint Select Committee on Social Media and Australian Society Committee Hansard*, 21 June 2024, pp. 56–59; Josh Taylor, '[Albanese government forging ahead with social media age restrictions despite Meta's new Instagram teen accounts](#)', *The Guardian*, 18 September 2024 (accessed 26 September 2024).

<sup>81</sup> Department of Infrastructure, Transport, Regional Development, Communications and the Arts, '[Classification Amendment Bill passed by Parliament](#)', *Media release*, 7 September 2023; Department of Infrastructure, Transport, Regional Development, Communications and the Arts, '[New classifications for gambling-like content in video games](#)', *Media release*, 18 September 2024.

- consultation on implementing Australia's new TV prominence framework to make it easier to 'find and access free-to-air services and apps';<sup>82</sup>
- strengthening of the Anti-siphoning Scheme which aims to 'promote the free availability to audiences throughout Australia of television coverage of events of national importance and cultural significance', by extending the scheme to regulate online streaming services;<sup>83</sup> and
- progressing Australian content requirements for streaming platforms.<sup>84</sup>

2.57 As part of this agenda, and in recognition of the harm caused by dis- and misinformation on digital platforms, in September 2024, the Government introduced the Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2024. The bill aims to improve transparency and accountability, and help 'protect Australians from seriously harmful online mis- and disinformation', while providing 'protections for freedom of expression'. The bill intends to:

- impose obligations on digital communications platform providers in relation to the dissemination of content on a digital communications platform that contains information that is reasonably verifiable as false, misleading or deceptive, and is reasonably likely to cause or contribute to serious harm of a specified type (misinformation and disinformation);
- expand the Australian Communications and Media Authority's compliance and enforcement powers in relation to misinformation and disinformation; and
- make consequential amendments [including to the *Broadcasting Services Act 1992* and other Acts].<sup>85</sup>

---

<sup>82</sup> Australian Communications and Media Authority, [ACMA seeks views on new TV prominence rules](#) (accessed 25 September 2024).

<sup>83</sup> Department of Infrastructure, Transport, Regional Development, Communications and the Arts, [Anti-siphoning](#) (accessed 25 September 2024).

<sup>84</sup> Although not by the self-imposed deadline of 1 July 2024. Australian Government, [Revive: a place for every story, a story for every place: Australia's cultural policy for the next five years](#) (*Revive*), January 2023, p. 89; Dr Stephen Arnott, Deputy Secretary, Creative Economy and the Arts and Mrs Rebecca Rush, Assistant Secretary, Screen and Arts Workforce Development, Office for the Arts, Department of Infrastructure, Transport, Regional Development, Communications and the Arts, *Committee Hansard*, 16 April 2024, p. 51; Rochelle Siemienowicz, 'Australian government misses deadline for local content streaming quotas', *ScreenHub*, 4 July 2024 (accessed 25 September 2024).

<sup>85</sup> Parliament of Australia, [Communications Legislation Amendment \(Combating Misinformation and Disinformation\) Bill 2024](#) (accessed 25 September 2024); The Hon Michelle Rowland MP, Minister for Communications, House of Representatives, *Hansard*, 12 September 2024, pp. 7–10.

- 2.58 At the time of tabling this report, the bill had been referred to this committee for further inquiry, with a report due to be tabled in the Senate by 25 November 2024. The inquiry has already generated significant public interest.<sup>86</sup>
- 2.59 The Australian Government also established the Joint Select Committee on Social Media and Australian Society which is inquiring into the influence and impacts of social media on Australian society. The committee's final report is due to be tabled by 18 November 2024.<sup>87</sup>

### **Support for industry**

2.60 Various incentives and support schemes have been introduced by recent governments to address short-term challenges (such as the COVID-19 pandemic) and longer-term structural issues (such as increased consumption of digital media and reductions in traditional media's advertising revenue). Support measures include:

- Public Interest Journalism Initiative (PIJI)—over \$1 million in government funding to PIJI—a not-for-profit company which produces the Australian News Data Report—to support data projects associated with those which assess public interest news and media diversity, including data projects.<sup>88</sup>
- Local and independent news funding—government funding of \$1.5 million has been allocated to LINA to collect data and evidence and assist local and community news publishers to build capacity and increase diversity.<sup>89</sup>
- The Australian Associated Press (AAP) was provided an additional \$6 million in December 2023 'given the fundamental role the newswire service plays in supporting public interest journalism and media diversity, including in regional communities'.<sup>90</sup>

---

<sup>86</sup> Parliament of Australia, *Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2024*; Parliament of Australia, *Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2024 [Provisions]* (accessed 25 September 2024).

<sup>87</sup> Parliament of Australia, [Joint Select Committee on Social Media and Australian Society](#) (accessed 26 September 2024).

<sup>88</sup> Department of Infrastructure, Transport, Regional Development, Communications and the Arts, *Submission 11*, p. 7; Australian Communications and Media Authority, *A new framework for measuring media diversity in Australia: Advice to government on the outcomes of public consultation and implementation*, prepared August 2023, released December 2023, pp. 25–26; The Hon Michelle Rowland MP, Minister for Communications, 'Mapping a new approach for media diversity in the digital era', *Media release*, 12 December 2023.

<sup>89</sup> Department of Infrastructure, Transport, Regional Development, Communications and the Arts, *Submission 11*, p. 8.

<sup>90</sup> The Hon Michelle Rowland MP, Minister for Communications, 'Mapping a new approach for media diversity in the digital era', *Media release*, 12 December 2023.

- The Regional and Small Publishers Jobs and Innovation program — which allocated \$64.4 million over three years to the Innovation Fund, cadetships and scholarships from 2018.<sup>91</sup>
- Regional and Local Newspapers Publishers Program — including \$15 million over 2022–23 to help offset rising print costs.<sup>92</sup>
- The Public Interest News Gathering program — which allocated \$50 million to increase public interest journalism in regional Australia and provide relief to publishers and broadcasters during the COVID–19 pandemic (2020–22);<sup>93</sup>
- The Journalist Fund assistance — including \$5 million in 2022–23 to assist regional and First Nations news businesses to hire cadets and produce local news content.<sup>94</sup>
- Public broadcasting funding — in 2023 the Government moved the ABC and SBS to five-year funding terms to provide greater funding certainty and stability. Over the five years to mid-2028 the ABC will receive \$6 billion and the SBS will receive \$1.8 billion, while in 2023 the government provided \$1.4 billion to the ABC and SBS 'in part to support their role as trusted sources of news to all Australians', including to regional Australians. Over \$20 million per annum was set aside from 2023–24 for the Community Broadcasting Program to foster local capability development.<sup>95</sup>

### Recent commitments

2.61 The 2024 Budget contained a number of measures designed to support media sustainability and diversity, including:

---

<sup>91</sup> Department of Infrastructure, Transport, Regional Development, Communications and the Arts, *Submission 11*, p. 6; Department of Infrastructure, Transport, Regional Development, Communications and the Arts, *News Media Assistance Program Consultation Paper*, December 2023, p. 18.

<sup>92</sup> Department of Infrastructure, Transport, Regional Development, Communications and the Arts, *News Media Assistance Program Consultation Paper*, December 2023, p. 18.

<sup>93</sup> Department of Infrastructure, Transport, Regional Development, Communications and the Arts, *Submission 11*, p. 6; Department of Infrastructure, Transport, Regional Development, Communications and the Arts, *News Media Assistance Program Consultation Paper*, December 2023, p. 18.

<sup>94</sup> Department of Infrastructure, Transport, Regional Development, Communications and the Arts, *News Media Assistance Program Consultation Paper*, December 2023, p. 18; Department of Infrastructure, Transport, Regional Development, Communications and the Arts, *Submission 11*, pp. 10–11.

<sup>95</sup> Department of Infrastructure, Transport, Regional Development, Communications and the Arts, *News Media Assistance Program Consultation Paper*, December 2023, p. 18; Department of Infrastructure, Transport, Regional Development, Communications and the Arts, *Submission 11*, pp. 8–9.

- \$43.2 million over 2024–25 to 2029–30 (and \$7.4 million annually ongoing) to support the delivery of 'communications priorities', including 'digital inclusion and communications resilience';
- \$22.6 million over five years (and \$1.5 million annually ongoing) to support the modernisation of media regulation;
- \$12 million in 2024–25 to support the Australian Associated Press;<sup>96</sup>
- \$2.5 million over two years for media literacy. This includes initiatives in culturally and linguistically diverse (CALD) communities, in conjunction with community organisations and support for media literacy tools in schools through the Alannah and Madeline Foundation;<sup>97</sup> and
- support for public broadcasters and news organisations (as discussed above) which already undertake work to improve media literacy.<sup>98</sup>

### **Committee view**

- 2.62 The committee acknowledges the rapidly changing face of Australia's media ecosystem, including widespread changes in where and how Australians consume their news and receive information (especially on digital platforms), the impact of technological changes on traditional media business models, the rise of populist and political journalism, and the value of public interest journalism to democracy. Through this and other inquiries, the committee has seen that a healthy democracy and inclusive society in Australia depends on the free and open exchange of ideas and information, and informed decision-making.
- 2.63 Australia is not alone in the challenges it is facing. Democracies around the world are challenged by where and how people are obtaining news and information, and the dissemination and amplification of mis- and disinformation, exacerbated by the global pandemic.<sup>99</sup>
- 2.64 Recently the ACMA found that 75 per cent of Australians themselves are concerned about misinformation, particularly online. In 2023, 82 per cent of people surveyed had been exposed to misinformation online, and 52 per cent

---

<sup>96</sup> Australian Government, [Budget 2024–25: Budget Measures: Budget Paper No. 2](#), 14 May 2024, p. 152.

<sup>97</sup> Department of Infrastructure, Transport, Regional Development, Communications and the Arts, *Submission 11*, pp. 12–13; Department of Infrastructure, Transport, Regional Development, Communications and the Arts, *News Media Assistance Program Consultation Paper*, December 2023, p. 28.

<sup>98</sup> Department of Infrastructure, Transport, Regional Development, Communications and the Arts, *News Media Assistance Program Consultation Paper*, December 2023, p. 28.

<sup>99</sup> Croakey Health Media, *Submission 18*, pp. 8–9; Australian Communications and Media Authority, *News in Australia: diversity and localism international comparisons*, December 2020, pp. 1–2.

---

thought it was government's responsibility to reduce exposure to harmful content.<sup>100</sup>

- 2.65 The committee thanks submitters and witnesses to the inquiry who conveyed their thoughts on Australia's media diversity and the impact of current media diversity on their families and communities.
- 2.66 As illustrated by evidence received by this inquiry—as well as other current and previous inquiries—the issues impacting Australia's media diversity are evolving rapidly, but are generally clearly identified and well understood.
- 2.67 The committee shares the widespread view that more needs to be done—by digital platforms, by government, by parents, and by media consumers themselves—to prevent the spread of dis- and misinformation, and to help ensure that Australia's media is independent, principled, diverse and well-resourced. The committee recognises that there are a number of ways to achieve this.
- 2.68 Consultation with industry and the public has already been undertaken by the Australian Government on the most effective approaches, and there will be further consultations as solutions are developed and put in place.
- 2.69 The Australian Government is implementing measures to benefit all Australians—by helping to ensure Australia's media is diverse, that dis- and misinformation on digital platforms is minimised and freedom of speech protections are strengthened, that digital platforms be more transparent about how they manage content and complaints, that standards and regulatory powers are fit for purpose, and that children are protected from the worst harms.
- 2.70 Further, in recognition of the value of Australians being able to make free, informed and personal decisions about what information they consume and where they consume it from, the Australian Government has supported media literacy programs, particularly for vulnerable CALD communities.
- 2.71 Given these developments, the committee considers the establishment of a Commission of Inquiry is not the most appropriate mechanism for addressing the challenges facing Australia's media landscape, especially since a significant range of measures to address the issues have already been initiated.

---

<sup>100</sup> The Hon Michelle Rowland MP, Minister for Communications, 'Government to introduce legislation to combat seriously harmful misinformation and disinformation', *Media release*, 12 September 2024; Australian Communications and Media Authority, [Digital platforms' efforts under the Australian Code of Practice on Disinformation and Misinformation: second report to government](#), July 2023, p. 55.

**Recommendation 1**

**2.72 The committee recommends that the bill not be passed.**

**Senator Karen Grogan**

**Chair**

**Labor Senator for South Australia**

## Additional Comments from Coalition Senators

- 1.1 Coalition Senators endorse the recommendation to not support the passage of this bill.
- 1.2 However, we expressed clear opposition to the Government's proposed new misinformation laws, which are referred to, earlier in this report.<sup>1</sup> We firmly believe the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2024, currently before Parliament, is deeply flawed and represents an attack on the freedom of speech for everyday Australians.
- 1.3 We understand that thousands of submissions have been lodged to the Senate inquiry which is examining the proposed legislation, with many expressing alarm and serious objections to the Government's bill.<sup>2</sup> Already, we have seen the bill heavily criticised by the Australian Human Rights Commission, the Victorian Bar Association, the NSW Solicitor-General, the Queensland Council for Civil Liberties and key religious bodies such as the Australian Catholic Bishops' Conference. Their voices must be heard in the Senate inquiry.
- 1.4 We note that the Australian Government is trying to rush this legislation through, and gave people barely a week to get their submissions into a Senate inquiry. There has been strong criticism of this rush in many of the submissions. It is important that Australians have their say on the Government's plans to censor the views of Australians. However, we are not seeing that transparency or consideration from this Government.

**Senator Ross Cadell**  
**Member**  
**Nationals Senator for New South**  
**Wales**

**Senator Dave Sharma**  
**Member**  
**Liberal Senator for New South**  
**Wales**

---

<sup>1</sup> Pages 27–28.

<sup>2</sup> At the time of tabling submissions were still in the process of being published on the Senate Legislation Environment and Communications inquiry website at [aph.gov.au/Parliamentary\\_Business/Committees/Senate/Environment\\_and\\_Communications/MisandDisinfobill/Submissions](http://aph.gov.au/Parliamentary_Business/Committees/Senate/Environment_and_Communications/MisandDisinfobill/Submissions).



# Australian Greens Dissenting Report

## The fight for a strong Fourth Estate is existential - it deserves a Royal Commission

- 1.1 This year, Australian media has faced a reckoning, while also confronting an existential crisis. The Fourth Estate is grappling with its place in modern society. It is trying to adjust to the growing dominance of social media as a news source and its cannibalisation of the ad market. It continues to face accusations of racism, sexism and misogyny in its newsrooms and reporting, and there is a growing mistrust of mainstream media in the community. There is no greater time than right now for a Royal Commission into the state of the Australian media.
- 1.2 The majority report notes submitters to this Inquiry were 'overwhelmingly in favour of an inquiry into the current state of media diversity, the conduct of media outlets in Australia and their impact on our democracy, with a particular focus on the Murdoch media'.<sup>1</sup> From academics and media experts, to members of the public, to public interest journalism organisations, and the group Australians for a Murdoch Royal Commission, the support and the persuasive evidence was provided in spades.
- 1.3 This evidence supports and mirrors what the Senate Inquiry into Media Diversity heard, which led it to recommending a Commission of Inquiry. That Senate inquiry came off the back of a range of issues with the Murdoch Media—ranging from climate change denialism, to campaigns targeting women, and their bias reporting in favour of a conservative government both here and overseas.
- 1.4 During the course of that inquiry, the 2019–20 summer bushfires, fuelled by the climate crisis, devastated millions of hectares of Australian bush, forests, towns and communities. Rupert Murdoch's son, James, was so incensed by News Corp's coverage of the fires and climate denialism he called it out publicly, condemning the family empire.
- 1.5 The following January, we saw the United States Capitol attack, which Fox News was accused of having a role in after amplifying lies about the 2020 US election. Fox News ultimately agreed to pay Dominion Voting Systems nearly

---

<sup>1</sup> Chapter 2, paragraph 2.3, p. 11.

\$800 million to avert a trial in the voting machine company's lawsuit that would have exposed how the network promoted lies.<sup>2</sup>

- 1.6 We are about to see another election in the US with Trump still refusing to admit he lost the 2020 election. The Federal Election here is just months away. We need an investigation into the workings of the Murdoch Media with the powers of a Royal Commission to compel witnesses now if there is to be any confidence and integrity in their reporting.
- 1.7 It is disappointing that the Labor Party, which previously supported the recommendation of the Senate Inquiry into Media Diversity in Australia for the establishment of a Commission of Inquiry, has now seen fit to take the side of the Murdoch Media. It is this kind of cosy relationship between the government of the day and the Murdoch empire that drove more than half a million people to sign a petition calling for a Royal Commission.
- 1.8 Unlike the Labor and Liberal parties, the rest of the country understands that holding the Fourth Estate to account is about integrity in our democracy. It is about reflecting our society by ensuring a diverse range of voices from a diverse range of outlets—not just billionaires. It is about having a strong public broadcaster that isn't constantly subject to attack and undermining from News Corp and its conservative allies. It is about addressing the rising mistrust and misinformation and disinformation perpetuated by some media outlets and left to fester online. It is about combatting the domination of social media as it squeezes the bottom line of mainstream legacy media outlets while also providing an avenue for new sources that reach younger generations who increasingly only get their news from the likes of Instagram or Tiktok.
- 1.9 To claim that the Government is doing enough to address the state of Australian media right now is to misrepresent the reality. As the majority report notes, News MAP was promised some time ago, yet there has been nothing from the Communications Minister on it since February 2024. The Mis and Disinformation Bill recently introduced to the Parliament doesn't even cover mainstream media, leaving the likes of Sky News to broadcast fake news and downright lies on its YouTube channel.<sup>3</sup> The Australian Communications and Media Authority (ACMA) continues to be a toothless tiger, failing to hold outlets to account for their poor reporting. There's been no announcement by the Federal Government about how it will address Meta's threat to pull news if it is designated under the News Media Bargaining Code, or on any alternative policy to the Code, with many now agreeing it is no longer fit for purpose. There's no legislation to address problematic algorithms on social media that are

---

<sup>2</sup> See, for example: Peter Hoskins and Michelle Fleury, ['Fox News lawsuit: Can it afford the \\$787.5m Dominion settlement?'](#), *BBC News*, 19 April 2023 (accessed 10 October 2024).

<sup>3</sup> Mis and Disinformation Bill: Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2024.

---

controlling user's news feeds, pushing dangerous content to children and young people and scams to older Australians. There's no legislation to address the rise of artificial intelligence and its use in news reporting.

- 1.10 There's no plan to ensure a healthy, diverse media landscape that upholds a strong democracy, at all. Our public broadcasters, the ABC and SBS, remain underfunded and vulnerable to political attack and undue influence.
- 1.11 Time is running out for the Albanese Labor Government to take action before the next election, and the one thing they could have done was establish a Commission of Inquiry to ensure a thorough examination of Australia's media and to make strong recommendations to aid its future. Should the Dutton Liberals win the next election, our public broadcaster, the ABC, will no doubt be subjected to more funding cuts as we saw in the decade of the Coalition Government, as well as further bullying and attacks. News Corp will be buoyed and free to spread their climate denial, to spruik nuclear energy, and continue targeting anyone who seeks to hold it to account. The likes of Gina Rinehart, a good friend of the Coalition, will keep buying up various media outlets to dress up the billionaires' mining propaganda as news. Trust in the media will be in free fall.
- 1.12 The Australian Greens are on the side of the Australian public on this one. We urge Labor and the Liberals not to disregard the legitimate concerns of the community, and indeed news organisations themselves, and risk leaving us behind the rest of the world. The Greens support this Bill and a Commission of Inquiry, not just into the Murdoch Media but all media in Australia and the whole media landscape, for the sake of our democracy.

### **Recommendation 1**

- 1.13 The Australian Greens recommend that the bill be passed.**

**Senator Sarah Hanson-Young**  
**Deputy Chair**  
**Greens Senator for South Australia**



# Appendix 1

## Submissions

- 1 Local & Independent News Association (LINA)
- 2 Mr Aaron Lim
- 3 Community Broadcasting Association of Australia
- 4 Transgender Victoria
- 5 Torrens University Australia
- 6 Uniting Church in Australia, Synod of Victoria and Tasmania
- 7 The Law Society NSW Young Lawyers
- 8 South Australian Rainbow Advocacy Alliance
- 9 Victorian Trades Hall Council
- 10 Mr Palaniappan Subramanian
- 11 Department of Infrastructure, Transport, Regional Development,  
Communications and the Arts
- 12 Standard Media Index
- 13 The Wilderness Society
- 14 Australian Parents for Climate Action
- 15 A Gender Agenda
- 16 Centre for Advancing Journalism
- 17 *Name Withheld*
- 18 Croakey Health Media
- 19 Public Interest Journalism Initiative
  - 19.1 Supplementary to submission 19
- 20 Journalism Education and Research Association of Australia
  - Attachment 1
  - Attachment 2
- 21 Australians for a Murdoch Royal Commission
  - Attachment 1
- 22 Rainbow Rights Watch
- 23 GetUp!
- 24 The Fremantle Herald
- 25 Mr Ange Kenos