

## **A submission to the Australian Senate Select Committee on the Future of Public Interest Journalism**

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### **(a) the current state of public interest journalism in Australia**

#### **What is public interest journalism?**

A pithy and useful definition is supplied here (<http://www.mediahelpingmedia.org/training-resources/journalism-basics/360-applying-the-public-interest-test-to-journalism>):

*The public interest is in having a safe, healthy and fully-functioning society. In a democracy, journalism plays a central role in that. It gives people the information they need to take part in the democratic process.*

I'll use this definition when I refer to 'public interest journalism' in this submission.

#### **Why public interest journalism goes beyond the products offered by media companies represented in the press gallery**

The media organisations represented in the federal parliamentary press gallery have employed journalists to report on the activities of politicians in federal parliament – mostly the activities of the government of the day in executing policy, but also the activities of the opposition (as a potential alternative government), and politicians outside both the government and official opposition (in shaping policy and legislative outcomes and contributing to longer-term debates).

There is more to the public interest than what traditional media organisations design to cover. The public interest transcends the reach, the abilities, and the wit of particular management teams of traditional media organisations. Press gallery journalists cannot offer the breadth of coverage required for public interest journalism. There are a number of reasons for this.

#### ***The weaknesses of the fourth estate***

Romantic notions of "the fourth estate" aside, the press gallery is not accountable to the public as are members of parliament. The public has no role in appointing or removing members of the press gallery. Remonstrations with them have no discernible or consistent impact. The geographic and demographic composition of the press gallery is unrepresentative of the broader Australian public. Any idea that "public interest journalism" begins and ends with the press gallery is nonsense.

Most news output from the press gallery concerns government announcements – activities of government and interpretations thereof that responsible ministers are more than happy to announce, and which the press gallery transcribes and broadcasts in terms broadly similar to those announced.

There is a public interest in activities of government that are not announced, which go to questions of maladministration, incompetence, or even corruption. It can be tempting to see these non-announcements as a game one plays with journalists, rather than misinformation to the public at large; this is a mistake, one that public interest journalism should work to redress.

Media organisations represented in the press gallery rarely do the investigation necessary to bring these activities to light for the public, and almost never from within the press gallery. They sometimes did when they were better resourced than they are today. There is no real link between any increase in funding those organisations may experience and any increase in the frequency, breadth, or complexity of investigative journalism they may deign to undertake. Investigative journalism resources required for properly effective public interest journalism does, and will continue to come from beyond traditional media organisations. Laws and policy outcomes should recognise and accommodate this.

The need for such journalism does not ebb and flow with fads or commercial decisions of traditional media organisations. The public has a right to know what its government is doing, and what the options are politically; this public interest exists independently of media operational strategy.

### ***Are you a smart-alec?***

As an engaged citizen and media consumer, I want to see, hear, and read what's going on: preferably from those who understand what's going on rather than merely physically present at a staged announcement, and who are simply relaying information supplied to them. Apparently it is not reasonable to expect traditional media organisations to engage a variety of policy experts on an expanding range of topics. It is certainly not reasonable to expect that a press gallery journalist can adequately cover any and all of the complex policy issues covered by Australia's federal government.

While the quality of online content can vary considerably, I have learned through wide and careful reading that there is no such thing as a dull subject, only dull writing and unappealing presentation of important facts. Throughout the community, there are people with deep and broad experience in many complex and important issues; it is important that we hear from them directly rather than awaiting the traditional media spotlight to fall on them.

One important example is the rise of science journalism. Fairfax, NewsCorp and the ABC recently had small numbers of specialist journalists with scientific training and the ability to explain complex, cutting-edge concepts to mainstream audiences. In recent years those organisations have downsized or abolished science reporting teams, despite the urgency in public debates for greater scientific understanding by decisions-makers and the community as a whole. Public interest journalists who focus on science provide a vital service, and raise questions about traditional media avowals of quality journalism.

The value of "insider knowledge" on complex, far-reaching public issues is often vastly overrated by politicians and traditional media. It is lazy and inadequate, as so often happens, to present a policy debate as "argy-bargy" within a party or across parties. It is irresponsible to abandon an important issue with the cop-out "the devil is in the detail". Public interest journalism opens the possibility that complex policy issues might be engaged with and explained by knowledgeable, experienced people, who may help us all (including politicians and press gallery journalists) better understand and engage with the issues in public debate.

Statistical knowledge – not just the data and the presentation of it, but the understanding of how data may be manipulated – has never been more important in public debate. From their earliest days, newspapers carried voluminous data on shipping movements, racing form guides, and stock market movements. Popular television coverage of sporting events includes voluminous statistical information. So do popular weather reports, financial advice, and opinion poll coverage. Public interest journalists are more likely to gather and present in-depth statistical information than

traditional press gallery journalists, who feel pushed for time and unable to digest official reports with rich statistical information that might inform key current debates.

The Australian community is better educated than it was. “Beer, cigs up” is not sufficient commentary on the budget. The Treasurer is scrutinised more than any other minister is because of the plethora of economics and business journalists who cover his portfolio, not all of whom are fulltime, salaried employees. Public interest journalism promises to apply similar scrutiny across all portfolios of government, far more than is possible from press gallery journalists limited to manoeuvring.

The contraction of traditional news resources goes against a growing need for more and better knowledge about how we are (and might be) governed. Salaried journalists in traditional media organisations might insist on exclusive rights and privileges over access to and dissemination of official information, and the structure of the press gallery institutionalises that view. This paradox will most likely be resolved against the interests of traditional media, as independently-operating public interest journalists will come to offer greater breadth and credibility of coverage than enfeebled traditional media. Allowance must be made for such people to come and go from places where public interest information is available, and that they may not be fulltime employees of a few large organisations.

The only way of ensuring viable, independent and diverse services would be to provide high-quality information to as many people as might want it, given appropriate safeguards for privacy and other forms of justice. Commercial organisations may worry about demand; the real question for regulators is and should be the supply of accurate and relevant information.

## (b) Laws, market powers and practices

Do you really want diversity? The [proposals put forward by the Minister for Communications](#) seem to call for mergers and other anti-competitive measures in aid of traditional media organisations. Which is it: viability through competition and diversification, or by minimising them?

Consumer law and practice have little impact on media output on public issues. One regular media practice that defeats regulation of ownership is press gallery herding around One Big Story, told from much the same angle with almost identical inputs, at any given time. This practice defeats media diversity and inhibits the amount of information broadcast to voters and taxpayers about how we are (and might be) governed. I don’t know how you regulate that out of existence: a combination of public ridicule and corporate downsizing might work.

Public interest journalists know that the story is probably wherever they aren’t. They are more likely to fan out and find it, rather than timidly follow the herd. Competition and consumer laws seem somewhat beside the point. Instead, here are some laws that might be changed to foster more and better public interest journalism:

### ***Parliamentary standing orders***

There is no good reason why members of the public viewing the operations of the House and the Senate should be denied the ability to take recording devices such as notepads or cameras into the press gallery.

Public interest journalists should be able to take notes and pictures as freely as the press gallery can. Press gallery journalists are allowed into areas of the Parliament from which members of the public are denied access. There are predictable objections which may be dealt with as follows:

Objection	Response
Media organisations have commercial interests that are protected by removing recording devices from members of the public	Would these be the same media organisations who recently sacked their photographers? Why are public resources protecting private interests?
Media organisations comply with rules about parliamentary decorum	Do they? Would they be rules that help, or hinder, public understanding of how we are governed?
Random members of the public might create security risks	Parliament represents members of the public, and public access to parliamentary proceedings are an essential part of the parliament’s operations. Security issues are for security professionals.

Parliament has its own very sophisticated systems for recording official proceedings. The idea that public interest journalism might interfere with them is absurd. Standing orders that inhibit members of the public to take recording devices into the public galleries should be amended as soon as possible, as a sign of commitment to public interest journalism.

***Fair use as a defence under copyright, freedom of information, and defamation laws***

Public interest journalism should not be inhibited by restrictions arising from copyright. The Public Interest Journalism Foundation has called for ‘fair use’ provisions to cover public interest journalists, similar to those covering other researchers; you should look into this.

Freedom of information laws should only apply where there are violations of personal privacy, national security, or to police operations and judicial proceedings.

Public interest journalism should be a defence against defamation, similar to the principles in the High Court’s *Lange* case.

***Open Government and Government 2.0 initiatives***

The Australian government should be an impartial provider of high-quality, relevant data. That data should be readily available online, with appropriate safeguards for privacy, justice, and national security. The Australian Bureau of Statistics should be a leader in collecting and providing this data openly but securely (including in ways that resist spoofing), so that users can be sure Australian government data can be trusted.

Government agencies, politicians, and private providers (including the media and public interest journalists) may create value from that data by presenting it as information or even commercially-appealing content. It should not be the role of politicians to second-guess how certain data may or may not be used, and to restrict access according to short-term and half-baked tactical calculations.

I wish that the principles set out in the Open Government Partnership National Action Plan were applied, so that we could see fair and appropriate use of government data applied to public benefit. The Australian government’s commitment to the themes *ii. Open data and digital transformation* and *iii. Access to government information* should be a matter for close and ongoing scrutiny, for public interest journalists and parliamentarians alike.

Whatever resources government is committing to public data provision initiatives, it isn't enough. The fate of the 2016 census (and, perhaps, the quality of ongoing government decisions based on that data) shows it cannot be done on the cheap. Readily available data enables creation of quality public interest journalism, and enables checking of news as to whether or not it might be fake.

### ***The Public Interest Journalism Foundation***

I support calls by the Public Interest Journalism Foundation to promote a culture of philanthropy to support public interest journalism, and to review legal restrictions (such as those described above) that inhibit it.

Calls to ensure diversity through reviews, legislation or public funds are problematic. In recent years we have seen cuts to legal aid and public broadcasting, and expansions of police powers over freedoms of the public in the name of security; the very idea that scope might be opened to public interest journalism against a trend of diminishing these important and related issues is questionable.

***The terms of reference specifically refer to competition and consumer law, thank you very much. Your suggestions are outside our terms of reference***

Are you serious about public interest journalism or not? You could work to reform those laws if you wanted.

## (c) and (e) Fake news, propaganda, search engines

“Fake news” and propaganda are not new. Two persistent examples of fake news arose from Russia:

- 19<sup>th</sup> century Tsarist secret police fabricated a book called *The Protocols of the Elders of Zion*, which purported to provide documentary proof of a global Jewish conspiracy. Even though it has been extensively discredited, the book was a key text in Nazi Germany and is still disseminated among far-right groups today; and
- In 1945 Soviet troops discovered that Hitler had died. Stalin had his skull brought to Moscow for his personal inspection. Yet, Soviet propaganda held that US and British forces had allowed Hitler to escape war-torn Berlin, and that he was living in South America, plotting his return.

This is not to say that Russia is somehow prone to “fake news” and propaganda, or that information from there is unreliable. Note that both of those examples pre-date the internet. It should surprise nobody, in government or outside it, that those who place a premium on information being fast and conveniently available run the risk of that information being untrue and unreliable.

For media organisations, the pressure on journalists to produce “content” to tight and shifting deadlines exposes them to the risk of unreliable information. By broadcasting it they risk damaging their credibility as their financial position worsens – but that’s their choice, not yours. I agree with New York University academic Jay Rosen when he urges media organisations to create value by focusing on truth and reliability over the traditional media imperative to be “first with the latest”, a battle that cannot be won against free internet-based providers.

Given that most press gallery coverage of politics simply involves relaying announcements and splicing together press releases, little of value is lost when online aggregators take these stories and

promulgate them with no return to the media organisations originating that coverage. Media outlets who would have writers work for little or no reward get “a taste of their own medicine” when that work in turn is freely aggregated and distributed.

## (d) Public interest journalism in underserved markets: regional areas, culturally and linguistically diverse markets

Public interest journalism has a role in extrapolating high-level activities of government (e.g. millions of dollars spent in a particular area) and exploring how they affect a particular community, whether or not a particular affect has been included in a formal announcement. Whether or not traditional media organisations regard these communities as commercially appealing markets is beside the point of public interest journalism.

The more people there are engaged in public interest journalism, the higher the chances that local communities will be better informed on matters that affect them. Communities need not be geographically defined, but by language or other specialist interest.

“All politics is local”: this is a truism known to politicians, journalists, and to members of the public. While politics might operate on that level, the practice of Australian political journalism largely doesn’t.

The weakness of centralised traditional media is evident during and after election campaigns. In NSW and Australian elections, we see facile coverage of western Sydney that is resented by those who live there, and uninformative to those who don’t. Something similar is happening in the US after last year’s election, where centralised media descends on communities in Appalachia and the Midwest that have few media resources of their own, and which are poorly served by centralised national media. By creating room for public interest journalism, you relieve pressure of traditional media that simply isn’t coping with the demands placed upon it.

Again, there are two main ways that the Australian government can boost public interest journalism to these communities:

- The provision of reliable and relevant data online as an exemplar of, and expression of faith in, high quantity and high quality public information to inform public debate; and
- The removal of petty and self-defeating rules restricting access to quality data and information, and the privileging of other concerns less important than public interest journalism ahead of it.

I question whether public broadcasters should maintain correspondents in media-saturated locations like the UK and the US. In theory, an Australian voice from those places provides a uniquely different perspective on events from those places. In practice it is hard to see what that difference is, and whether resources might be diverted to improve reporting in the public interest.

I hope that members of those communities will rise to these and other related challenges of the information age.