

Communications Legislation Amendment Consultation on the ACMA Powers

August 2023

The Local and Independent News Association (LINA) welcomes the opportunity to provide feedback to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts on the Exposure Draft of the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023.

LINA shares the Commonwealth's concerns about the threat posed by the circulation of misinformation and disinformation across communities. We observe the impact that rising levels of misinformation and disinformation, coupled with polarised media, can have on democracy and social cohesion. It is prudent to take steps to mitigate risks to public safety, including health, caused by the distribution of misinformation and disinformation. Further, as generative artificial intelligence (AI) becomes more and more accessible to content-makers, the risk of 'deep-fakes' and other forms of misinformation heightens, making the introduction of the proposed Bill timely.

News media has a role in addressing misinformation and disinformation through: directly contradicting commonly misunderstood or misinterpreted information; reporting fact-based information accurately; and providing a trusted source of information for audiences. Hyperlocal and independent news publishers attract high levels of trust due to their strong connections to the communities they serve.

"By drawing from the lived experiences of community members, this approach [to reporting] rejects the notion that institutional and professional authority are the sole sources of credibility and trustworthiness. Community journalists are deeply embedded within their communities and are in constant contact with their many rhizomatic connections. This closeness and community membership ensures that community journalists are in tune with the issues of importance within their communities."¹

LINA represents 62 digital news publisher members who produce 86 mastheads in all States and Territories across Australia. LINA members are locally owned and controlled news publishers, creating high-quality public interest news content that meets professional Editorial Standards, by and for a defined community. Most of our services are tailored to capacity building for small publishers to build the sustainability of public interest journalism across Australia.

LINA does not seek to address all areas of consultation on the Exposure Draft Bill, but instead offers comment on particularly aspects of the draft that are most relevant to digital news publishers, as follows:

¹ Heather Anderson, Bridget Backhaus, Charlotte Bedford & Poppy De Souza, *Go Join that radio station up there: The role of Australian community radio in journalism and education training*, Australian Journalism Review, Vol 44, Issue 2, February 2022

1. LINA agrees with the definitions of misinformation and disinformation drafted in the Bill.
2. LINA notes and accepts the preference stated for a self-regulatory approach and the capacity for the ACMA to act if voluntary efforts are inadequate. However, it is difficult to assess how reasonable the proposed graduated application of ACMA powers is without a timeframe for progression from one phase to another. For example, how long would it be likely to take the ACMA to register a proposed Code and how long would providers have to sign up to a voluntary code before the reserve standard-making powers come into effect? It would be important that progress doesn't stall between these stages for the proposed powers to be effective. This is not clear in the draft.
3. Broadly, LINA agrees with the primary functions of digital platforms (being interactive features) as described in Clause 5 of the Draft Exposure Bill. The capacity for the Minister to add new sub-categories of digital platforms contributes to the 'future-proofing' of the proposed Bill.
4. Further, the need to balance privacy with public good makes the exclusion of SMS, MMS and instant messaging services outlined in Clause 2 understandable. While it does potentially reduce the effectiveness of the Bill in meeting its objective, this is necessary to ensure Government doesn't over-reach into the private lives of individuals.
5. LINA notes the exclusion of professional news content from the proposed ACMA powers and the intent not to restrict a free press. LINA agrees that news content should maintain editorial independence and a high level of editorial standards. However, LINA does not agree with using the professional standards test in the Treasury Laws Amendment (News Media and Digital Platforms Mandatory Bargaining Code) Act 2021 because it excludes a number of legitimate public interest news sources on the basis of income level. Written prior to the establishment of LINA, this Code requires news publishers to meet a minimum revenue threshold for inclusion, rather than considering the content produced and its purpose. There are many LINA members producing public interest journalism within local communities every week who, due largely to their local focus, fall under the \$150k revenue requirement for the Code.

As different to other web-based information sources and social media forums, LINA members adhere to professional editorial policies, including the [LINA Editorial Standards](#) and often, the MEAA Journalistic Code of Ethics and/or being members of the Australian Press Council. They have published complaints policies and mechanisms and a commitment to transparency, accountability, fairness and accuracy among other ethical practices. LINA members, who are generally small publishers, receive ongoing support from LINA to strengthen public interest journalism and operate under best practice editorial guidelines. LINA requests its [Editorial Standards](#) be included in the definition of professional news content that news sources may be subject to (under 2. Definitions), to broaden the criteria slightly and include local newsrooms producing public interest journalism.

Overall, LINA is satisfied that the proposed Bill should not restrict a free press and is targeted to digital platforms rather than news publishers, even where they have an interactive feature on a distribution platform. As such, we provide the comments above as contextual information for your consideration and do not wish to comment further on the proposed implementation of the ACMA powers.

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LINA thanks the Department for its consideration of these matters and invites further conversation on any of the points raised above as required.

Sincerely,



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Executive Director

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