

TRUTH vs DISINFORMATION

THE CHALLENGE FOR PUBLIC INTEREST JOURNALISM



THE MEAA REPORT INTO THE STATE OF
PRESS FREEDOM IN AUSTRALIA IN 2022





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PUBLIC INTEREST
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AUSTRALIA IN 2022

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Cover Image: MEAA
Media member Michael
Currie is arrested while
covering protests in
Melbourne against the
COVID-19 vaccines and
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FOREWORD

BY **KAREN PERCY**

In an era of disinformation and fake news, the role of public interest journalism has become increasingly vital – in sorting out fact from fiction through ethical and accurate reporting and holding power to account. But as media workers we can't do it with one hand tied behind our backs. Press freedom has never been more important.

In the past 12 months, the COVID-19 pandemic has triggered an increase in community discontent, fed by confusion about what is true and exploited by deliberate campaigns peddling half-truths or outright lies.

Alarming the erosion of trust between news outlets and consumers has been led by politicians and the social media platforms. A global survey of 1400 journalists found that 46 per cent of respondents identified politicians and elected officials as a top source of disinformation about COVID-19.¹

COVID-related disinformation is picked up quickly and has spread on social media sites. Two-thirds of respondents identified Facebook, owned by Meta, Platforms Inc., as a prolific disinformation spreader. Twitter was cited by 42 per cent of respondents.

These concerns are also reflected in MEAA's annual press freedom survey. The survey identified significant concerns among journalists about the impact this environment is having on trust in their profession and their industry, with 86 per cent of respondents saying it had worsened over the past decade.

Survey respondents were asked their views on several solutions to restore

public trust, with 62.5 per cent saying journalists and media outlets should do more to admit errors in news stories and correct the record, and 56% saying training in ethical journalism should be provided at news outlets.

It is also reflected in the staggering 92.5 per cent of media who fear that threats, harassment and intimidation of journalists are on the rise. That is an increase on the 88.8 per cent from the 2021 survey.

MEAA has developed resources to combat the gendered cyberhate that has escalated during the pandemic, but media employers must ensure their journalists are kept safe as they carry out their duties.

The pandemic has led to a new wave of uncertainty about the sustainability of many media outlets. While the News Media Bargaining Code has brought much needed money into the industry, the federal government's contributions fall well short of the \$250 million needed to sustain a healthy media sector.²

In regional journalism, the situation is critical. In February 2022, MEAA reported that nine out of 10 survey respondents said the health of regional journalism in Australia is poor to very poor. Fifty-four percent didn't see themselves working in regional journalism in five years' time.³

Press freedom outside Australia can be a matter of life and death. The Russian invasion of Ukraine has unleashed disturbing examples of the deliberate targeting of news crews and other war crimes committed against journalists.⁴

Alas, this is nothing new. In 2010, WikiLeaks released vision of a dozen adults and children – and two Reuters journalists – being gunned down by a US helicopter in Iraq. WikiLeaks' publisher and MEAA Media member Julian Assange has been in a London prison for three years while facing extradition to the US on charges related to releasing that vision. The reach of the charges threaten journalists around the world.

TV presenter and MEAA Media member Cheng Lei was tried in secret in Beijing after more than 18 months in isolated detention. The authorities have never explained publicly what she is alleged to have done.

In Afghanistan, in Myanmar, and across the world, journalists fight for press freedom with their liberty and their lives. Even after jointly winning the 2021 Nobel Peace Prize in October, Filipino editor Maria Ressa and Russian editor Dmitry Muratov continue to be threatened and harassed for championing press freedom.

MEAA is playing our part. We have held webinars for members of the public, journalists and MEAA members to discuss the MEAA *Journalist Code of Ethics*.⁵ Media employers have agreed to acknowledge the MEAA Code in their new enterprise agreements, to lift industry standards on ethical reporting and promote public trust in the media.

Quality, ethical public interest journalism is crucial for a strong democracy. In recent years we've seen journalists belittled and berated by public figures, particularly members of government.

Governments must respect and honour press freedom, put accountability and transparency at the heart of our democracy, and answer the questions asked of them; not the questions they want to answer.

Restoring trust in the media won't be easy. But quality, honest and transparent journalism – centred on ethics and the public interest – is the best shot our industry has in restoring our critical role in a democratic society.

Karen Percy is the Federal President of the MEAA Media section



In their own words

“There can be no press freedom if journalists exist in conditions of corruption, poverty or fear.” **INTERNATIONAL FEDERATION OF JOURNALISTS (IFJ)**

Tweet - June 20, 2021 “There is no [COVID] virus in Australia, so I won’t be dying or killing others. The media is the virus in Australia.”⁶

Tweets - “So glad I’m a pure blood. I feel sorry for those who gave into the propaganda and took a vaccine...”
“Are you still a pure blood if you took 16 childhood vaccines? What about the flu vaccine? Does it count, or no?”
“There are three broad categories of people right now: Genocidal Globalists with their political and media slaves. Terminally ill vaccine-damaged brainwashed zombies. Critical thinking pure-blood freedom fighters.”

Abuse sent to a journalist – May 2021 – “Listen you little fucking inbred dipshit. Stop typing stupid articles at news.com trying to drive fear about a fake virus like COVID you dirty inbred monkey. I have reported you to news.com.au and you will be fired soon. pathetic motherfucking monkey you are a mistake at birth [sic]”⁷

Report on anti-lockdown protest – Melbourne, September 21, 2021 “A 7NEWS reporter has been attacked on camera as another protest in Melbourne turned violent in the CBD... A man is seen on camera gripping 7NEWS Melbourne reporter Paul Dowsley in a headlock as others appeared to join in. As they marched, flares were ignited with some protesters chanting ‘fuck the media’... Dowsley said he and his cameraman had a bottle of what they believed to be urine poured on them. ‘I’m just a journalist doing my job, doing my best to tell you the facts as they are presented to me and as I see them,’ he said. Just an hour later, Dowsley had can of energy drink thrown at his head, leaving a cut.”⁸

The same attack on the reporter – Melbourne, September 21, 2021

“The newsman was talking about the passion of the protesters [when] he was painfully struck by the apparently near full can of energy drink.”⁹

Abuse directed at a TV reporter – Melbourne, November 14, 2021 “No one likes you... go home. Go back to your fucking mansion, you disgrace. Aussie, Aussie, Aussie...Oi, Oi, Oi. What do we think of [him] over here?”
“He’s a shill.”
“[He’s] the true definition of a shill. They call us shills! Have a look at this guy... propaganda arm of the government. How do you sleep at night, you... disgrace? You filth. You filth.”¹⁰

Abuse directed at a broadcast journalist after he approached protesters for comment – Melbourne, November 16, 2021 “Tell the truth, you dog! How do you sleep at night? Shame on you!”¹¹

Photographer covering anti-lockdown protest – Melbourne “There were some protests where we had things thrown at us. I had a brass statue hit me right in the hip one day and I had a full water bottle hit me in the chest another day. I actually had a helmet that I put on and started wearing because it started getting a bit ugly. We also have to wear goggles and masks. They’re essential because if you get pepper spray in your eyes, you’re out of action for a good 20 minutes. And it has happened to me where I’ve been sprayed.”¹²

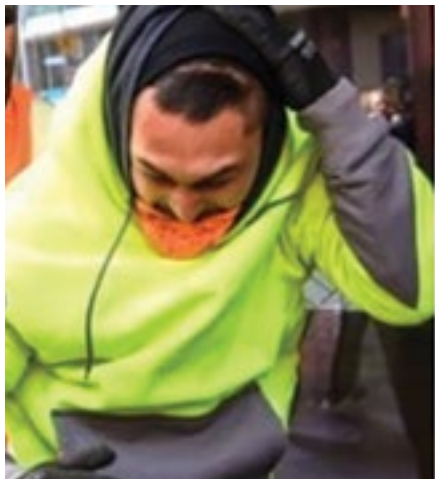
Photographer at Melbourne’s anti-lockdown protests – “They [police] didn’t differentiate between us [the media] and them [the protestors]. And I think it’s because we’re traveling a little bit lighter now than we used to. TV cameramen have these giant cameras on their shoulders, whereas [print photojournalists] have two cameras... A lot of the protesters are also carrying

camera gear. We’re starting to blend a little bit more, so the police have targeted us a little bit, not knowing we were actually media. There was a time where I got arrested as well. I had to call out for the police media spokesperson, and they came over and said, ‘what are you doing? He’s media. Stop.’”¹³

Retired army officer Riccardo Bosi – December 17, 2021 “Watch the next week or so, watch the next week or two. Watch the stories come out. The media know that they are on the wrong side of this – they’re controllers. They’ll start reporting the truth ‘cause they have to. And watch them eat crow. And then watch them go to jail. And then watch them hang by their necks ‘til their dead just like they did after Nuremberg 1.0, when the politicians and then the army officers were hung, the media were next... Oh no, they’re stuffed, their done. Male, female, it makes no difference to us. They’re all going to swing.”¹⁴

Protesters to a TV news crew covering the announcement of the date of the federal election – Canberra, April 10, 2022 “I hope you’ve got kids.”
“You’ve got to pick one side or the other.”
“Yeah, you’re either for them or against them.”
“You’re protecting pedophiles.”
“And by keeping silent, you’re condoning it.”
“People like you protect them.”
“The mainstream media is dead. You should be looking for a new job. What’s going to happen when the [Nuremberg] trials come?”
“I hope your wife sees this when she goes home tonight and knows what a human being she lays next to.”¹⁵

Abuse directed at news media – Canberra, January 31, 2022 “What does your mother think of you? Bloody disgraceful... Other people in this



Clockwise from above left: Nobel Peace laureate and *Novaya Gazeta* editor-in-chief Dimtry Muratov was attacked on a train from Moscow and doused with oil paint and acetone solvent; Victoria Police sought individuals involved in assaulting a 7NEWS reporter during live coverage of a Melbourne protest | *Victoria Police*; LNP Queensland Senator Gerard Rennick; Former Northern Territory anti-corruption commissioner Ken Fleming; Retired SAS lieutenant-colonel Riccardo Bosi at an anti-vaccination rally | *reddit*

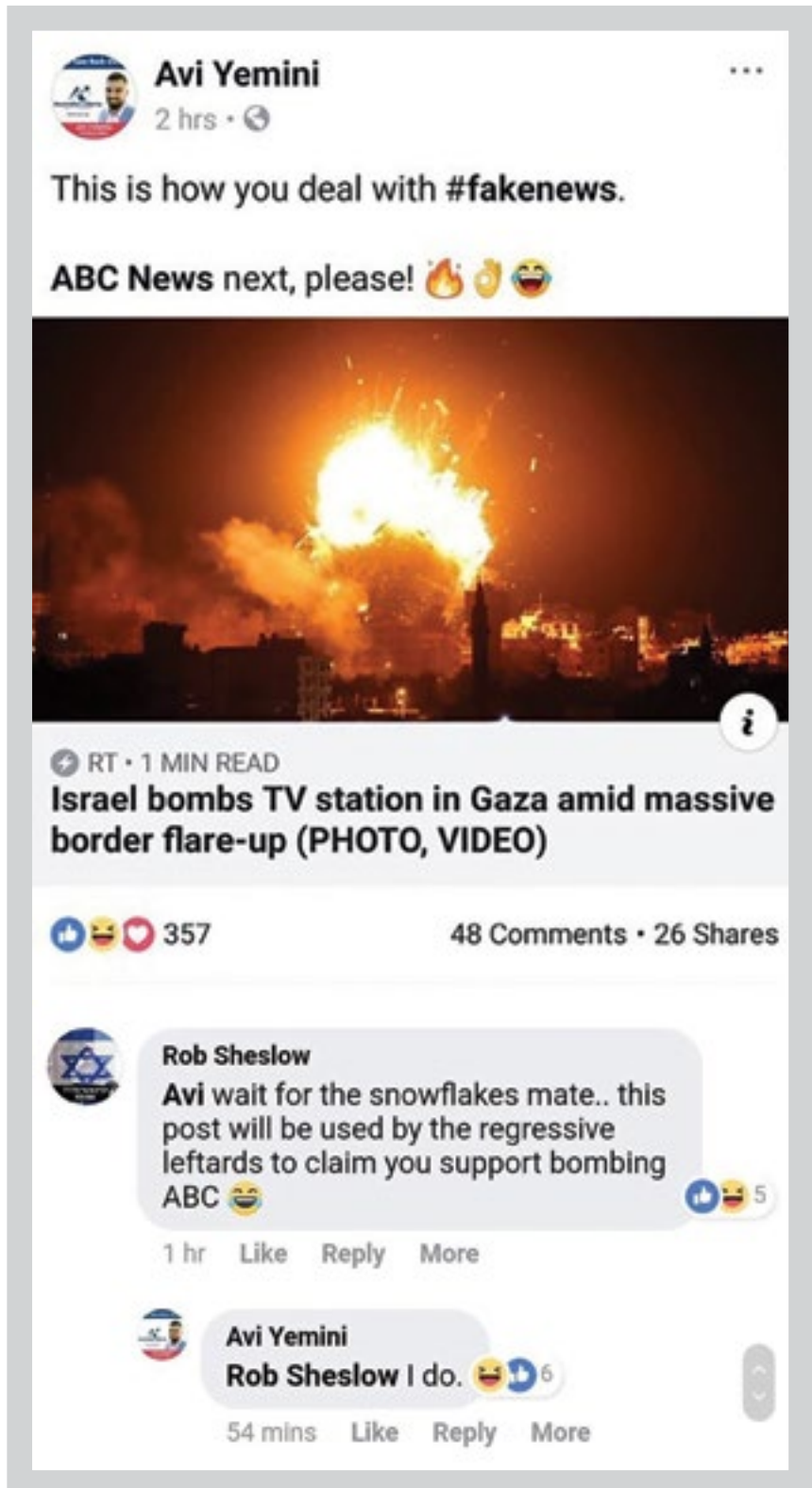
country don't have a job right now; why should he have one? And did you know the mainstream media was given \$41 million of tax relief to make the COVID thing what it is today. You should go to jail. You ought to be ashamed of yourself. I'm not touching you, mate. I'm not even spitting on ya."
 "All you do is help pedophiles, isn't it?"
 "How ya goin', enemy? How ya goin', enemy?"

"Channel 7, Channel 9, all of it. They are part of this massive Murdoch fucking bullshit. They've been covering up all of the governments' corrupt fucking activities for years and, because of the fact that they are part of the problem, they're not going to fucking come out here. They don't want to show all of this, all these people coming to unite together. The revolution is not going to be televised, mate."¹⁶

Report – Canberra, February 8, 2022
 "Journalists were verbally abused outside the National Press Club on Tuesday, though not physically attacked. Protestors perceive traditional media – which they label 'the real virus' – as a tool of politicians and unscrupulous medical experts... *The Canberra Times* was urged not to listen to official NSW Health data, because it is unclear 'who's really behind it'. That distrust extends to international figures, with top US medical advisor Anthony Fauci a particular pariah... Anyone wearing a mask is likely to receive blunt, expletive-laden medical advice."¹⁷

Abuse directed at a news crew – Canberra, February 26, 2022, "7News are shit. We're not taking your poison. You work for criminals. Liars. Fake news, fake people. Take your mask off. UnAustralian. You are killing people. I'd hate to be a Channel 7 reporter right now. All your lies are coming crashing down."

Simeon Boikov, known as the "Aussie Cossack" – March 22, 2022 "Let's go attack the journalists, let's turn the tables around and take these journalists on because they're all grubs and they've been covering up what's been happening in Australia for the last two years... The fucking people like you, dirty, dirty journalists who are full of fake news."¹⁸



Journalist – "I have noticed a huge mistrust in the media, especially among people my age [23]. I think it really stemmed from Donald Trump's 'fake news' campaign and has trickled down to Australia and the coverage of COVID. I have been yelled at and spat on while interviewing people on the streets as part of my job and I have had people in

my close circle tell me they no longer want to associate with me because of my profession."¹⁹

Journalist – "Australia is traditionally a safe place for journalists but now there are more and more incidents in which they are being attacked simply for doing their job largely due to



Clockwise from above left: Nobel Peace laureate Maria Ressa; Paul Dowsley is tackled while he is reporting on an anti-mandate protest in Melbourne | 7News; MEAA Media member Cheng Lei was tried in secret in Beijing on espionage charges - no evidence has been made publicly available by Chinese authorities

the misinformation on social media platforms.”²⁰

Journalist – “I write on vaccination so have been abused and received death threats, including one man who suggested my murder would be a very good thing. I had him charged. He pleaded guilty, but I found a kitchen knife under my son’s bed, so it really affected family life.”²¹

Prime Minister Scott Morrison on his treatment by journalists – November 29, 2021 “... the PM has a different view on how he is treated by the political columnists at the Nine papers, particularly *The Sydney Morning Herald* and *The Age* – and he wanted to put it on the record in his meeting with the CEO [Mike Sneesby]. Diary is told the PM’s tone was ‘grumpy, not furious’. On one version out of the Nine camp, Morrison

told Sneesby: ‘You’re too tough on me.’ On another slightly more heightened version of events, the PM told him: ‘You smash me every single day’.”²²

Morrison, if the US extradition case against MEAA member Julian Assange is blocked – January 5, 2021 “Assuming that it all turns out, he is like any other Australian, he is free to return home if he wished.”

Greens leader Adam Bandt – December 11, 2021 “The prime minister must get Assange home. An Australian citizen is being prosecuted for publishing details of war crimes, yet our government sits on its hands and does nothing... Assange’s persecution and our government’s inaction are chilling and should worry everyone who cares about a free press or thinks that governments should protect their citizens.”²³

IFJ general secretary Anthony Bellanger – March 15, 2022 “Extraditing Assange to the United States would put his life in grave danger and we will fight tirelessly to prevent this. He must be released immediately and receive all the care that his medical situation requires.”²⁴

Zhao Lijian, spokesman for China’s foreign ministry on detained MEAA member Cheng Lei – September 8, 2020 “The Australian national Cheng Lei is suspected of carrying out criminal activities endangering China’s national security... Compulsory measures have been imposed on Cheng and she has recently been investigated by relevant authorities. Now this case is being handled according to law and Cheng’s legitimate rights and interests are fully guaranteed.... As long as foreign journalists obey the law... they have no



IN THEIR OWN WORDS

reason to worry.” He gave no further explanation of what Cheng Lei is alleged to have actually done.²⁵

Report – February 11, 2022 “18 months after she was arbitrarily detained in Beijing, Australian journalist Cheng Lei, 46, has been given a small reprieve to watch the Olympics with other detainees at the Chinese prison where she’s being held. The mother of two was secretly arrested August 13, 2020. She was later formally charged on ‘suspicion of illegally supplying state secrets overseas’ by Chinese authorities... Cheng Lei has still not been allowed to speak to her two children in Melbourne, aged 10 and 12, since her arrest.”²⁶

Australia’s Ambassador to China Graham Fletcher who was blocked from attending Cheng Lei’s trial – March 31, 2022 “This is particularly concerning, unsatisfactory and regrettable. We have no confidence in the validity of a process which is conducted in secret. We have no information about the charges or allegations against Ms Cheng. That is part of the reason why we are so concerned. We have no basis on which to understand why she has been detained. Nevertheless, we will continue to advocate strongly for Miss Cheng Lei’s rights and interests.”²⁷

Tweet – March 9, 2022 “PM @ScottMorrisonMP has visited a farm near Lismore and an SES operations’ base this morning and will soon visit houses affected by floods. Media have not been allowed to film the visits... Media was not told of visits by PM @ScottMorrisonMP to flood-affected farm and SES base until after they had happened. PM’s official photographer was there.”²⁸

Tweet – September 18, 2021 “Get out the tissues!! Waleed Aly, Stan Grant and Lisa Miller [sic] are all mouthing on about leaving Twitter because of abuse, most people would call it criticism. Being rabid Socialists with aggressive interview styles towards Conservative Politicians has nothing to do with it”²⁹

Tweet exchange – March 10, 2022 “Can someone please tell me why the left media and the ABC hate Morrison so much? I’m quite serious.” “Are you joking? Lisa Miller [sic], Leigh Sales, Greg Jennet [sic], Stan Grant,

David Speers? Hardly left leaning. If anything, the ABC has become the foghorn in support for Morrison.”³⁰

Tweet exchange by LNP Senator Gerard Rennick with journalist Amy Remeikis regarding her reply to a tweet by Labor Senator Murray Watt – March 14, 2022. Rennick: “I wouldn’t listen to everything your boyfriend tweets - he’s not a reliable source - but you would know that better than me wouldn’t you” Amy Remeikis: “Would you care to explain why you have chosen to call Senator Murray Watt my boyfriend, Senator Rennick? I’m sure you’re aware of just what you’re insinuating about me?”

Rennick: “Would you care to explain why continue to imply that I’m going to join one nation [sic]. You know nothing about me. You’ve never had a conversation with me. Yet you continue to cast slurs about me. Your ignorant views about me only highlight your prejudice and arrogance.”

Remeikis: “I said it wouldn’t surprise your Qld colleagues - which is what they have said to me. You responded by claiming another senator was my ‘boyfriend’ - implying I was sleeping with him - this is not apples and apples we are talking about here.”

Rennick: “You’ve implied that not me - you’re [sic] friends with Murray-end of story. As a journalist you should have picked up the phone and confirmed with me before retweeting unsubstantiated claims... Typical of the gutter journalism in this country.”

Remeikis: “You literally called him my ‘boyfriend’, senator. You knew what you were doing.”

Rennick: “And you knew what you were doing by casting unsubstantiated slurs about me. Next time pick up the phone and treat people with respect before spreading unfounded rumours about me. It’s not the first time you’ve done it so don’t pretend you didn’t know what you were doing.”

Remeikis: “Again, I reported that your colleagues wouldn’t be surprised by it - which is what they have directly told me. You responded by insinuating I was in a relationship with a senator. You could have responded without the insinuation. You deliberately chose to.”

Rennick: “You’ve known Murray a long time - if he acted like a grown up I could call him your man friend but given his constant childish behaviour I think the term boy suits him best. If he has

a crush on anyone I think it’s me - he obsesses about me constantly. It’s very tiring I must say”

Remeikis: “You know exactly as well as I do what inference people would take from the term ‘boyfriend’. It was a low, immature act. I know better than to expect an apology, so instead I’ll ask you don’t do it, to anyone, again.”³¹

Email to a journalist – March 2021 “It’s a privilege that you’re allowed to voice your opinion over the airwaves - especially as a woman.”³²

Journalist – March 25, 2021 “I’ve had rape and death threats on social media, email, and anonymous letters sent to my work. My family has been threatened. I’m sent dick pics, or defaced photos of myself which have been taken from my social media.”³³

AFL Western Bulldogs coach Luke Beveridge to a journalist – March 17,

2022, Beveridge: “You’ve got the nerve to ask me a question, and even be here? You’ve been preying on us the last two times. You barrack for Melbourne...”

You’ve been preying on us. You’ve been opening us up, causing turmoil within our football club by declaring our team well before it needs to be declared. Is that the way Fox [Footy] want you to operate? Is that the gutter journalist you want to be?... Everything was

according to plan from the Sunday, which somehow, you’ve found out about again, so we need to get to the bottom of this. Obviously, we need to put our hand up and say there’s some leakage going on, but you’re preying on it, and it’s a team you barrack for. Your conflict of interest here is considerable. Your gutter journalism at the moment is killing us behind the scenes. This is why the health and wellbeing of people in the game is caught up in this stuff,

because we’ve got things to concentrate on performance-wise, we’ve got to look after our own and then you cause all this muckraking trash that happens behind the scenes and names get caught up into it, and all we’re doing is planning for a football game. Are you proud of yourself? You’re proud of yourself?... Wow. That’s enough, next question please. Next question. Mate, you’re not welcome.

Journalist: “This is the AFL’s press conference.”

Beveridge: “Yeah, OK, well I think we’ve got enough boys and girls. I think we’re

I'm at the opinion that anyone right now who are still oblivious to the scandemic, that they are forever asleep and slaves.

The only thing that will wake these people now is when they actually start seeing media, public servants, doctors, judges, and every other criminal complicit to these crimes, hang in public.

probably done, aren't we? So, this is what happens..., many of you, if you found something out, you'd ring (the club) and say 'Look, I know this. Just to know that you know, something's happened, it's got out'. And the courtesy and integrity and the ethical way to go about it has happened in the past. And this bloke here and what he's doing is giving everybody else a bad name, and right when we're trying to stabilise our competition and what we do, with everything that's gone on behind the scenes, and us as coaches and a football program with the soft cap situation as it is, and this sort of stuff happens. You're an embarrassment to what you do, mate. You're an embarrassment. An absolute embarrassment."³⁴

The same journalist was dismissed following an investigation of leaked audio that allegedly contained slurs against a colleague, and homophobic and racist remarks. Another journalist wrote of the incident: "People should feel safe doing their job and, in this regard, male sports – and media – have a long way to go. ... Many people on social media have called out [the journalist's] Fox Sports colleagues for not condemning him... Perhaps of greater concern is how quickly people were to share the audio and vision of his comments – either unaware or unconcerned about the untold damage it was doing to the female Fox Sports

reporter to whom he was referring.... There's the slew of indecent remarks, gestures, noises and messages female reporters need to deal with while doing their job. They are mocked on social media, taken out of context and bullied by clubs who feel comfortable lashing out at a young female reporter for what she's written or said – but less so with a reporter who is more senior and, invariably, male... Sports media shouldn't need another female trailblazer. They should be left to do their jobs, on their merits, ethically, without fear or favour, like everyone else."³⁵

Nathan Sykes to a freelance journalist; Sykes pleaded guilty to using a carriage service to threaten serious harm – March 3, 2022 "The minute you raise your head up publicly, not only are my people going to stick you out in Melbourne and physically smash you to a fucking pulp, but you can't even publish, your credibility is destroyed."³⁶

Sykes to a journalist in an allegation presented to the court – "I'm going to torture you to an absolute delight... Absolute delight. And I have people looking at you right now staring at you from across the fucking street from where you live, enjoy this mother-f---er. You're dead, and baby, I'm catching up with you."³⁷

Sykes allegedly to the same journalist – "Pity you weren't home, but at least we know where you live so, we'll be saying 'G'day'."³⁸

Former Northern Territory Independent Commission Against Corruption Commissioner Ken Fleming QC on his powers to compel the identification of a whistleblower – June 15, 2021 "I am concerned that there won't be proper coverage of this because I am limited in what I can say however I intend to pursue it and I should add that section 127A of the *Uniform Evidence Act* does not apply to a journalist in hearings before me as the ICAC. I am not a judicial entity and 127A gives privilege to a journalist in respect of a source if they appear in front of a judicial entity. I am not so defined."³⁹

MEAA's response – June 15, 2021 "It is outrageous that the ICAC Commissioner will seek to utilise 'star chamber' powers to compel a journalist to reveal a source about alleged corruption in his own office. The Commissioner knows that journalists have an ethical obligation to never reveal the identity of a confidential source because journalist privilege is acknowledged and enshrined in Northern Territory law. For him to threaten to ignore journalist privilege in his own situation is out of line. MEAA stands with our colleague as he upholds the public's right to know."

Finance Minister Simon Birmingham on French President Emmanuel Macron being asked if he thought he had been lied to by Prime Minister Scott Morrison – November 5, 2021 "People could ask questions as to whether it was wise for journalists to pressure the French President, in regard to the comments he made... Each journalist can question themselves as to whether what they pursue is in the national interest or otherwise."⁴⁰

Queensland Department of Justice and Attorney-General – February 2022 "The majority of survey respondents, 94 percent, supported the application of shield laws to investigations conducted by the (Queensland Crime and Corruption Commission)."⁴¹

Defence Minister Peter Dutton's office's advice on how to avoid providing detailed on-the-record



IN THEIR OWN WORDS

answers to journalists' questions

– May 2021 “Responses are to be as brief and succinct as possible. Guidance is to limit responses to three paras, regardless of the breadth of the question(s); additional information can be offered on background. Capability-related interviews are unlikely to be approved. Be rigidly flexible to revert to written responses.”⁴²

Report – April 7, 2022 “A Turkish court ruled on Thursday to suspend the trial *in absentia* of 26 Saudis accused of the gruesome killing of *Washington Post* columnist Jamal Khashoggi, with the case to be transferred to Saudi Arabia. Khashoggi, a US resident... was killed on 2 October 2018, at the Saudi Consulate in Istanbul, where he had gone for an appointment to collect documents required for him to marry his fiancée, Hatice Cengiz... The court’s decision comes despite warnings from human rights groups that turning the case over to the kingdom would lead to a cover-up of the killing which has cast suspicion on Saudi Crown Prince Mohammed bin Salman. It also comes as Turkey... has been trying to repair its troubled relationship with Saudi Arabia... some media reports claimed Riyadh has made improved relations conditional on Turkey dropping the case.”⁴³

Rappler editor Maria Ressa’s Nobel Peace Prize laureate’s lecture

– December 10, 2021 – Human Rights Day “I stand before you, a representative of every journalist around the world who is forced to sacrifice so much to hold the line, to stay true to our values and mission: to bring you the truth and hold power to account. I remember the brutal dismemberment of Jamal Khashoggi, the assassination of Daphne Caruana Galizia in Malta, Luz Mely Reyes in Venezuela, Roman Protasevich in Belarus (whose plane was literally hijacked so he could be arrested), Jimmy Lai languishing in a Hong Kong prison, Sonny Swe, who after getting out of more than 7 years in jail started another news group ... now forced to flee Myanmar. And in my own country, 23-year-old Frenchie Mae Cumpio, still in prison after nearly 2 years, and just 36 hours ago the news that my former colleague, Jess Malabanan, was shot dead.”⁴⁴

Ressa – “In less than two years, the Philippine government filed 10 arrest

warrants against me. I’ve had to post bail 10 times just to do my job. Last year, I and a former colleague were convicted of cyber libel for a story we published eight years earlier at a time the law we allegedly violated didn’t even exist. All told, the charges I face could send me to jail for about 100 years.”⁴⁵

Ressa – “The attacks against us in Rappler began five years ago when we demanded an end to impunity [for the murderers of journalists] on two fronts: Duterte’s drug war and Mark Zuckerberg’s Facebook. Today, it has only gotten worse – and Silicon Valley’s sins came home to roost in the United States on January 6 with mob violence on Capitol Hill. What happens on social media doesn’t stay on social media. Online violence is real world violence... Facebook is the world’s largest distributor of news, and yet studies have shown that lies laced with anger and hate spread faster and further than facts on social media. These American companies controlling our global information ecosystem are biased against facts, biased against journalists. Without facts, you can’t have truth. Without truth, you can’t have trust. Without trust, we have no shared reality, no democracy, and it becomes impossible to deal with our world’s existential problems: climate, coronavirus, the battle for truth.”⁴⁶

Ressa – “I didn’t know if I was going to be here today. Every day, I live with the real threat of spending the rest of my life in jail just because I’m a journalist. When I go home, I have no idea what the future holds, but it’s worth the risk. The destruction has happened. Now it’s time to build – to create the world we want. Now, please, with me, close your eyes. And imagine the world as it should be. A world of peace, trust and empathy, bringing out the best that we can be. Now let’s go and make it happen. Let’s hold the line. Together.”⁴⁷

Report – four months later, April 4, 2022 “Fourteen new cyber libel complaints have been made against Rappler, naming several journalists and their sources in connection with reporting on President Rodrigo Duterte’s pastor Apollo Quiboloy, who is on the FBI’s ‘most wanted’ list... Ressa has also been named as one of 17 reporters, editors and executives, and seven news organizations in cyber libel complaints

brought by a government minister... “All told, I could go to jail for the rest of my life. Because I refuse to stop doing my job as a journalist,” Ressa said.”⁴⁸

Novaya Gazeta founder Dmitry Muratov Nobel Peace Prize laureate’s lecture

– December 10, 2021, two months before the Russian invasion of Ukraine “Today’s ideologues promote the idea of dying for your country and not living for your country. TV screens shall not fool us again.”⁴⁹

Muratov – “Hybrid warfare and the tragic, ugly and criminal story of the Boeing MH17 have ruined relations between Russia and Ukraine, and I do not know if the next generations will be able to restore them... Moreover, in heads of some crazy geopoliticians, a war between Russia and Ukraine is not something impossible any longer.”⁵⁰

Muratov – “But journalism in Russia is going through a dark valley. Over a hundred journalists, media outlets, human rights defenders and NGOs have recently been branded as “foreign agents”. In Russia, this means “enemies of the people.” Many of our colleagues have lost their jobs. Some have to leave the country. Some are deprived of the opportunity to live a normal life for an unknown period of time. Maybe forever... That has happened in our history before.”⁵¹

Muratov – “So this award is for all true journalism. This award is to my colleagues from *Novaya Gazeta*, who have lost their lives: Igor Domnikov, Yuri Shchekotschikhin, Anna Politkovskaya, Anastasija Baburova, Stas Markelov and Natasha Estemirova. This award is also to the colleagues who are alive, to the professional community who perform their professional duty... The day before the award was announced, we marked the 15th anniversary of Anna Politkovskaya’s murder. The killers were convicted, but the mastermind of the crime has not yet been found, and now the statute of limitations has expired. I hereby declare officially: The editor staff of *Novaya Gazeta* do not recognize this limitation expiry.”⁵²

The editorial board of *Novaya Gazeta*, the day after Muratov spoke with the Ukrainian president, Volodymyr Zelenskiy, in a group interview with



News editor at Russia's Channel One, Marina Ovsyannikova, protests the Russian invasion of Ukraine, during the live nightly news

Russian journalists that was quickly banned by the state media watchdog, Roskomnadzor – March 29, 2022 “We have received another warning from Roskomnadzor. Following this, we will suspend the publication of the newspaper online and in print until the end of the ‘special operation on the territory of Ukraine’.”⁵³

Muratov – March 29, 2022 “For us and, I know, for you, this is a terrible and difficult decision. But we need to save us for each other.”⁵⁴

An attacker who doused Muratov with red paint and acetate solvent on a train from Moscow – April 7, 2022 “Muratov, here’s to you for our boys.”⁵⁵

BBC report on Russian Government’s attacks on press freedom – March 15, 2022 “But since the war in Ukraine began, at least three journalists have resigned from top Russian TV channels: Zhanna Agalakova from Channel 1, and Lilia Gildeyeva and Vadim Glusker from NTV... Several of the remaining independent media outlets in Russia have stopped broadcasting or publishing after pressure from the authorities, including the radio station Echo of Moscow, and TV Rain... Access to the BBC has also been restricted inside Russia, leading the corporation to issue guidance over how to continue using its services. Many social media sites have also been blocked, further restricting the number and diversity of news sources available to people inside Russia.”⁵⁶

Report – “At least 150 journalists are believed to have fled Russia due to the country’s recent restrictions on the press.”⁵⁷

Editorial, *The Age* - March 17, 2022 “The silencing of independent Russian journalists, who provided the public with real information as distinct from that coming from the state-owned media, will make it easier for the government to shape a narrative seeking to justify the bloody and brutal invasion of another country. The truth matters. Accountability and transparency matter. Governments, law enforcement, public officials, the judiciary, private and public enterprises and markets are all better for being put under public scrutiny.”⁵⁸

Marina Ovsyannikova, an editor at Russia’s Channel One, during the live nightly news broadcast – March 14, 2022 “Stop the war. No to war.” Her sign said in Russian: “Don’t believe the propaganda. They’re lying to you here” and in English: “NO WAR. Russians against the war.”⁵⁹

Ovsyannikova in a pre-recorded video – March 14, 2022 “Regrettably, for a number of years, I worked on Channel One and worked on Kremlin propaganda. I am very ashamed of this right now. Ashamed that I was allowed to tell lies from the television screen. Ashamed that I allowed the zombification of the Russian people. We were silent in 2014 when this was just beginning. We did not go out to protest when the Kremlin poisoned

[opposition leader Alexei] Navalny. We are just silently watching this anti-human regime. And now the whole world has turned away from us and the next 10 generations won’t be able to clean themselves from the shame of this fratricidal war.”⁶⁰

IFJ General Secretary, Anthony Bellanger – March 15, 2022 “We stand in solidarity with Russian journalist Marina Ovsyannikova who is a victim of the recent abusive media law passed in Russia.”⁶¹

Journalist Mstyslav Chernov, Associated Press in Mariupol, Ukraine – March 22, 2022 “The Russians were hunting us down. They had a list of names, including ours, and they were closing in. We had been documenting the siege of Mariupol by Russian troops for more than two weeks and were the only international journalists left in the city... Suddenly at dawn, a dozen soldiers burst in: ‘Where are the journalists, for fuck’s sake?’ I looked at their armbands, blue for Ukraine, and tried to calculate the odds that they were Russians in disguise. I stepped forward to identify myself. ‘We’re here to get you out,’ they said.”⁶²

Chernov – “We were the last journalists in Mariupol. Now there are none. We are still flooded by messages from people wanting to learn the fate of loved ones we photographed and filmed. They write to us desperately and intimately, as though we are not strangers, as though we can help them.”⁶³



A global pandemic, a global crisis for press freedom

“But now, the truth that the [vaccine] injections contain AIDS is going to terrify everybody. As it should.”

RETIRED AUSTRALIAN ARMY OFFICER RICCARDO BOSI, DURING THE CONVOY TO CANBERRA PROTEST, FEBRUARY 26, 2022⁶⁴

“You’ve seen what they have planned for us. You’ve seen the vaccination camps. Have you seen how they have gas pipes connecting them? Has that happened before? Don’t get into the cattle cars and get shipped off like a bunch of cattle or sheep... There are no more chances folks, this is it.” **BOSI**⁶⁵

In an era when people have access to more information than ever, they are also prey to more disinformation.

The rise of digital platforms has come at the expense of many media outlets in terms of lost audiences and lost revenues and opened new ways for information and disinformation to be sought and shared.

Posting on digital social media platforms allows individuals’ opinions to be shared, liked and reposted to many

others who may share the post and spread it further. Social media allows posters to be anonymous. The posts they share need not be factual opinions, they could just be memes about cats and cheeseburgers. The posts can simply be opinions. But they could also contain dangerous disinformation that could threaten people’s wellbeing.

In a content-hungry environment, disinformation can flourish. With the polarisation of political discourse, the

sudden urgency and fear of a global pandemic, the use of extraordinary government powers, the difficulty of communicating complex science matters and, more recently, the propaganda of war, the lies of disinformation spread quickly and easily, and with social media they can spread far.

In this digital environment, journalists are subjected to harassment and abuse. Emails can shower down abuse and threats. On social media, anonymity

allows a community of hate to grow and attack journalists and media outlets, making accusations of bias, and hurling abuse about gender, sexuality, personal appearance and so on.

In mid-April, an ABC presenter deleted her Twitter profile having previously written about the toll of the “non-stop, personal, often vile, frequently unhinged and regularly based on fabrications” abuse she got on the platform.⁶⁶

So it goes with disinformation: a fact-less opinion can be posted on social media. It is then taken up and shared by others so that, over time, a falsehood becomes a “truth”. Through social media platforms, audiences can be recruited as disinformation distributors, with a common link to others who believe the disinformation and feel the urge to convince others of their “truths”.

SPREADING DISINFORMATION

On March 11, 2020, the World Health Organisation (WHO) declared COVID-19 a pandemic. In mid-2020, as the pandemic set in, the Journalism and the Pandemic Project run by the International Centre for Journalists (ICFJ) and the Tow Centre for Digital Journalism at Columbia University began surveying and mapping the impact of COVID-19 on journalism worldwide, to assist in the development of responses to the crisis and to help determine strategies for journalism’s future.

The survey drew responses from more than 2000 journalists in 145 countries across seven languages and included journalists from across the Asia Pacific region. MEAA promoted the ICFJ survey to MEAA Media section members and asked them to participate.⁶⁷ The project is currently working on a follow-up survey.⁶⁸

Fifty per cent of the survey’s respondents worked in traditional broadcast or print news media while 23 per cent said they worked for “digital-borne” outlets. Sixty-three per cent were full-time employees, 25 per cent were freelance or short-term contractors, 6 per cent worked part-time and 6 per cent were unemployed.

The survey identified areas of concern for journalists as COVID’s first wave swept across the world. The survey



Retired Army officer Riccardo Bosi addresses a protest rally outside Old Parliament House in Canberra

found that there were “interlinked issues of threats to the safety of journalists (including a significant COVID-era mental health crisis), media freedom erosion, the pernicious role of disinformation in the information ecosystem, and the viability and sustainability challenges confronting the news media.”

The survey’s key findings were:

- Politicians and elected officials were identified by 46 per cent of respondents as a top source of disinformation.
- Government agencies and their representatives (25 per cent), and State-linked troll networks (23 per cent) also figured highly as sources of disinformation.
- Eighty-one per cent said they encounter disinformation at least weekly, with more than one-quarter identifying false information many times a day.
- Ten per cent of respondents said they had been publicly abused by a politician or elected official. They also identified major restrictions on their journalism, including State-linked censorship and legal harassment.

- Respondents said they had experienced a range of pandemic-related digital security threats: government surveillance (7 per cent); targeted digital security attacks e.g., phishing, DDOS (distributed denial of service cyber-attacks) or malware (4 per cent); forced data handover (3 per cent).

Social media platforms were the prime disinformation distributors:

- Facebook was the most frequently identified social media platform as a prolific disinformation distributor (66 per cent). Thirty-five per cent of respondents also nominated the Facebook-owned closed-messaging app WhatsApp as a top spreader, while Instagram (also Facebook-owned) was identified as a top enabler by 11 per cent of respondents, and Facebook Messenger was cited by nine per cent.
- Twitter was identified as a prolific disinformation spreader by 42 per cent of respondents.
- Forty-six per cent of respondents said that they were either very dissatisfied or dissatisfied with the social media companies’ responses



Above left: MP for Hughes Craig Kelly | *Twitter*; Above right: MP for Dawson George Christensen | *Facebook*

to disinformation. Just eight per cent were satisfied. The survey reported that the most common response from the companies when they were flagged about disinformation on their platforms was no response at all.

There were press freedom concerns too:

- Nearly half of the journalists who responded said their sources had expressed fear of retaliation for speaking to journalists during the pandemic.
- Thirty per cent said that their news organisations had not supplied field reporters with a single piece of protective equipment during the first wave of the pandemic.
- Seventy per cent identified the mental health impacts of covering COVID-19 as the most difficult challenge.

COVID also presented safety risks for journalists:

- Seventy per cent of respondents rated the psychological and emotional impacts of dealing with the COVID-19 crisis as the most difficult aspect of their work, and 82 per cent reported at least one negative emotional or psychological reaction because of the pandemic.
- Twenty per cent said their

experience of online abuse, harassment, threats or attacks was “much worse than usual”.

In short, the survey results indicated that disinformation came often from politicians, was spread by social media; it undermined press freedom and provoked threats to journalists.

On April 26, 2021, more than a year after the WHO had declared COVID a pandemic, United Australia Party leader Craig Kelly (who had quit Liberal Party and the Morrison Coalition Government on February 23, 2021) had his official Facebook page permanently removed for repeatedly breaching the social media company’s misinformation policy; his page had previously been suspended.⁶⁹

The Guardian reported: “Kelly... was removed from Facebook for promoting unproven Covid treatments... Kelly denies sharing misinformation and has accused the social media platforms of interfering with his duties as an MP because he was unable to communicate with constituents through the platform.”⁷⁰

In August 2021, the (now former) Morrison Coalition Government MP George Christensen had an anti-lockdown speech to parliament removed by Facebook after the company said it contained “harmful

health information” in breach of its COVID misinformation policy.⁷¹

Also in August 2021, almost 18 months after the pandemic was declared by the WHO, Facebook labelled a post by Morrison Coalition and Queensland senator Gerard Rennick as containing “false information”, leading Health Minister Greg Hunt to respond to his Government colleague: “Our view is very clear – that we set out the official medical advice, and we urge everybody to stick with the facts, to stick with the medical advice.”⁷²

On November 24, 2021, in a speech to parliament, Christensen likened COVID restrictions to examples of murderous totalitarianism. “The totalitarian regimes responsible for the most heinous atrocities in the 20th century – think Stalin, Mao, Hitler, Pol Pot – they didn’t get there overnight. They use fear to control, they excluded the dirty people – softly at first – they justified the exclusion, they moved to harder exclusions, and eventually eliminated people, either socially or physically.

“In 21st century Australia, state premiers are racing down that familiar path, trying to outsmart each other, drunk on power, setting up their own biosecurity, police states completely medical apartheid. The totalitarian path,



the path that we are unquestionably on, has never ended well. The solution is a rediscovery of human dignity along with, and I don't say this lightly, civil disobedience," Christensen said.⁷³

Two months later, January 18, 2022, Prime Minister Scott Morrison reprimanded Christensen after he urged his social media followers not to vaccinate their children. Morrison said: "I strongly disagree with the message sent out by Mr Christensen regarding children's vaccinations. It is contrary to the official professional medical advice provided to the government, and I urge parents to disregard his dangerous messages in relation to vaccines."⁷⁴

In February 2022, Christensen, still a Morrison Government backbencher, introduced a bill that would prohibit social media services from removing or censoring lawful content posted by MPs, election candidates, registered political parties, journalists and media organisations from Australian platforms. "He said social media platforms had become 'notoriously censorious' of political discourse, referencing former US president Donald Trump who was banned from Facebook, Instagram, Twitter and YouTube."⁷⁵

Seven weeks later, George Christensen tested positive for COVID-19. The *Sydney Morning Herald* reported Christensen had posted on his Facebook page: "You can never be too careful though so I'm taking good ol' Lemsip, Panadol, aspirin, Betadine anaesthetic lozenges, zinc, vitamin D, vitamin C as well as a couple of antivirals I can't mention on Facebook."

The *Herald's* report continued: "But on the messaging app Telegram, he confirmed the drugs — neither of which are actually antivirals — were doxycycline and ivermectin.

"A major international study confirmed last week that ivermectin has no use as a treatment for COVID-19, with the large, double-blind placebo-controlled trial coming on the back of several studies showing the same thing in recent months."⁷⁶

Disinformation's origins, and how it is spread, can sometimes be traced. Following the insurrection at the US Capitol building in Washington DC on

January 6, 2021, Twitter announced it had suspended 70,000 accounts promoting the disinformation of the US-originated QAnon conspiracy theory.

The Guardian reported: "One Nation politicians including Pauline Hanson have suffered the biggest drop in followers of all Australian politicians as Twitter purged accounts associated with the QAnon conspiracy theory.... Most notably, One Nation leader Pauline Hanson has lost close to 4 per cent of her Twitter followers in the past 30 days, down 2567 followers... Fellow One Nation senator Malcolm Roberts has lost 1410 followers... while the NSW One Nation leader Mark Latham lost 1572 followers... There is no suggestion the politicians themselves support or promote the QAnon conspiracy theory."⁷⁷

Experience shows that when social media accounts are suspended or shut, users switch to platforms that do little or nothing to remove or stop disinformation spreading. Politicians who have had their accounts with Facebook or Twitter suspended or shut down have resorted to other platforms, including one prominent example, Telegram.

THE DISINFODEMIC

The ICFJ's pandemic project report said their survey's results demonstrated "the scale of the 'disinfodemic' confronting journalists, along with the key sources and propellants of false and misleading content associated with the pandemic..."

"Covering COVID-19 exposed journalists to significant threats and chilling restrictions, as attacks on press freedom escalated during the pandemic..."

"Our respondents were increasingly dependent on social media for audience engagement and distribution as a result of COVID-19 induced social distancing. Given our findings about increasing online harassment and prolific disinformation on the platforms, including how dissatisfied our respondents were with the tech companies' management of the crisis, this is also a potentially problematic trend, which increases exposure to 'platform capture'."

Platform capture has been defined as:

- "The manipulation of the platforms and their mass user

base for malicious purposes, such as orchestrated disinformation campaigns designed to destabilize democracies.

- The encouragement of such dependency by the platforms themselves, which have frequently changing priorities for distribution and engagement, expressed through algorithms that veer from amplifying to attenuating news content; and
- Some news organisations' over-reliance on social media for distribution and audience engagement."⁷⁸

DISINFORMATION AND THE PUBLIC INTEREST

Disinformation not only seeds confusion in audiences, but it can also provoke, becoming a threat to public safety, press freedom and democracy. Disinformation encourages and promotes beliefs that fracture society and manipulate vulnerable people.

COVID-19 has had a powerful impact on journalism, the media industry and particularly on how audiences perceive and receive news and information. However, when contradictory expert advice is reported, doubts and alternatives — whether valid, incorrect or nonsensical — enter the community. Disinformation encourages distrust of "official" sources.

As challenges to government leaders and health experts grew, agitators exploited the pandemic to sow conspiracy theories. It didn't take long for protests about vaccines and mandates to evolve into extreme conspiracies. Protest rallies against governments, restrictions, vaccines and mandates erupted around the country.

"Jack the Insider", a columnist with *The Australian*, wrote: "I've long believed that the majority who have become attached to the amorphous Freedom Movement in Australia are decent people who have fallen down a deep hole. I have no idea how we might pull them out.

"One rally organiser had a moment of clarity when he described the assembly in Canberra last weekend as, 'One third protesting vaccine mandates, one third wanting to overthrow the government, and the other third don't want



Victoria Police arresting anti-vaccine protesters at the Shrine of Remembrance | YouTube

government at all.’ By that definition, two thirds of the protest movement must be seen as a cult.

“People in their thousands have fallen prey to a propaganda campaign peddling fear and anxiety, a systematic pattern of indoctrination, drip-fed through an information bubble from proselytisers on websites and social media, always with the ‘Donate Now’ button blinking away.”⁷⁹

The theories held by the protesters included the need to overthrow authority – violently if necessary; pedophiles in high office are protected from prosecution; Nuremberg-style war crimes trials are needed to execute “elites”; comparisons to Nazi Germany, concentration camps and poison gas; and vaccines that would destroy the body or allow governments to “mind control” the vaccinated. When prominent celebrities died, vaccine jabs were blamed.

Other conspiracies had nothing to do with the pandemic: governments were using devices to change the weather leading to the floods in southeast Queensland and northern New South Wales, protesters were being poisoned by “chemtrails” in the sky. “Sovereign citizens” would use self-appointed

sheriffs to arrest politicians, judges and governors, and then install “sovereign rights” under “common law” because they believe Australia is a US-registered corporation.

Protestors live-streamed these theories to like-minded people.

On many occasions, and in many places, journalists trying to report COVID-19 protests would be harassed and abused. News crews were surrounded and heckled.

Protests were sometimes mobile, relocating to bypass police lines. Confrontations between police and protesters sometimes became violent. Journalists, particularly camera operators and photographers, were caught in the middle and hurt by projectiles thrown by protesters or pepper sprayed by police.⁸⁰

After a photographer and MEAA Media member was arrested by Victoria Police while trying to record the confrontations, MEAA worked with police to ensure working journalists could be quickly and easily identified as legitimate working journalists reporting on the situation. MEAA urged police to train its members to look for media

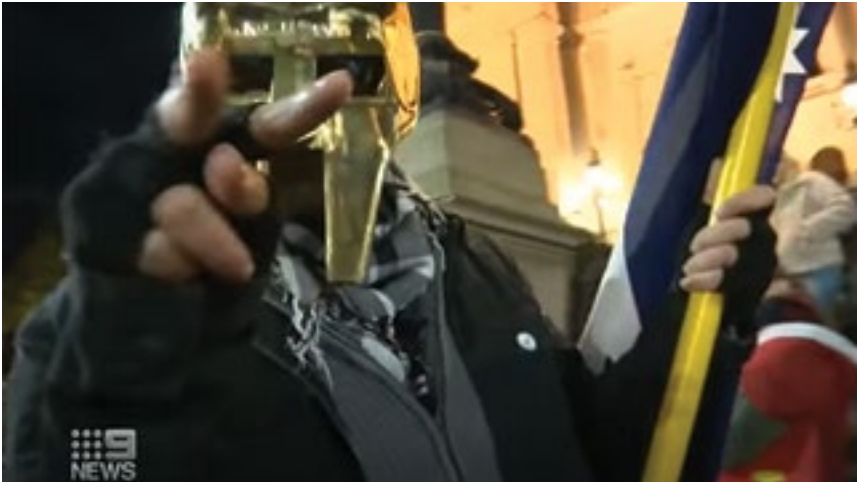
identification and told MEAA members they should also display their MEAA membership card. Victoria Police also developed a tip sheet for journalists covering protests (see more in the chapter on Safety).⁸¹

All this came at a time that was already highly stressful for journalists who were classified as essential service workers. Continuing to report while working remotely from their offices, in contact with people across the community while taking steps to protect themselves and their families, and reporting on complex and ever-changing information with clarity and care. Journalists worked on during a pandemic that was causing immense loss of life, grief for families and communities, amid stretched medical and emergency resources, and supply chain disruptions.

Journalists kept doing their job.

THE TOLL ON JOURNALISTS

Medianet’s 2022 *Australian Media Landscape Report* revealed how Australian journalists were affected by the pandemic. Almost all respondents (94 per cent) acknowledged that the COVID-19 pandemic has in some ways impacted journalists’ abilities to work effectively.⁸²



Top: Anti-vaccine protests outside the Victorian Parliament during the debate over Victoria’s Pandemic Bill | *Nine News*; **Above:** Some attending anti-vaccine and anti-mandate protests in Australia share the beliefs of the QAnon political conspiracy theory | *Twitter*

The report said: “Overall, female journalists reported more effects of the pandemic on work abilities than men, but male journalists felt more strongly impacted by restrictions on freedom of movement.

“Many journalists cited the impact of not being able to do in-person interviews during lockdowns, as well as being unable to travel and report from news events such as accidents, announcements, concerts, sporting events, exhibitions, conferences, etc. Many also highlighted the mental impact of burnout from the constant news cycle, covering difficult news stories such as COVID deaths and public harassment and abuse of the media.

“Some journalists reported receiving severe threats and abuse from the public when covering issues related to COVID-19, on social media and in-person.

“Younger respondents were far more likely to report an increase in harassment or undermining of the media as the greatest impact of the pandemic on the ability of journalists to work effectively.

“Journalists reported being more impacted specifically by restrictions on freedom of movement, risk to physical health and safety and an increase in harassment or undermining of the media....⁸³

Medianet’s survey asked journalists to select factors that had been their biggest challenge in the year, with mental health and uncertainty for the future proving the two most common challenges overall. Many of the survey’s respondents cited burnout or increased workload due to working from home or reporting health- or COVID-related news in addition to their normal news rounds. This generally occurred without an increase in pay or support, and many

were simultaneously experiencing a loss in income and/or job security. “Mental health challenges affected younger journalists significantly more than older. More than half (56 per cent) of respondents under 30 years of age noted it as one of their greatest challenges in 2021, compared to 28 per cent of those over 40 years old,” the survey’s report said

MEDIA INDUSTRY HIT

Around the world, the impact of COVID would also have dire consequences for media outlets as revenue streams were hit hard due to business activity being cancelled or severely curtailed.

The ICFJ’s Pandemic Project global survey found:

- Seventeen per cent of respondents with knowledge of their news organisations’ financial losses reported that revenue was down over 75 per cent since the pandemic began, with 43 per cent indicating that revenues were down by more than half.
- Eighty-nine per cent reported that their news organisation had enacted at least one COVID-19 related austerity measure (including job losses, salary cuts and outlet closures).
- Seven per cent reported that their outlets had ceased print editions and 11 per cent reported reduced print runs due to the impacts of COVID-19-induced budget constraints.

The Project’s survey respondents identified key issues that urgently needed attention:

- The most significant need that was identified by respondents (76 per cent) was funding to cover the operating costs (including salaries) of the media employers. (In Australia, this was echoed by MEAA’s regional journalism survey – see the chapter on the crisis in regional journalism.)
- an urgent need for mental health support and interventions to help alleviate burnout.
- training in new technologies to support remote reporting and publishing (67 per cent), advanced verification and fact checking (67 per cent), and science and medical/ health reporting (66 per cent).



TRUTH vs DISINFORMATION

Analysis of the ICFJ survey results led the project authors to comment: “Our survey paints an unsettling picture of burnt-out journalists in the grip of a mental health crisis, who are increasingly living in fear of unemployment. These are journalists who are exposed to great risk by neglectful employers who have failed to provide essential safety equipment, while coming under attack from politicians and others seeking to chill critical reporting.

“Our data also points to significant gaps in support on offer to those covering the pandemic and seeking to hold governments to account for their responses to the crisis. These range from mental health support and protection, from physical burnout to urgent training and development needs and help for employees trying to balance intense (often home-based) work with childcare and home-schooling responsibilities.

“While there are some reasons for optimism... unless these gaps in support are addressed, the impacts on journalists – mentally, physically, professionally and socially – are likely to worsen as the pandemic wears on.”⁸⁴

DIGITAL PLATFORMS’ FAILURES

On April 16, 2020, Facebook announced it was changing the way it would treat misinformation after a report into its handling of the virus. Users who read, watched or shared false coronavirus content would receive a pop-up alert urging them to go the World Health Organisation’s website.

The BBC reported: “A spokesman for Facebook said it did not recognise the alerts as a being a change of policy, but instead told the BBC they were ‘operational changes to the platform’.”⁸⁵

A study indicated Facebook was frequently failing to clamp down on false posts, particularly when they were in languages other than English. The study, by crowdfunding activist group Avaaz, found that one of the most dangerous falsehoods had received hundreds of thousands of views, including claims that “black people are resistant to coronavirus” and “coronavirus is destroyed by chlorine dioxide”.

Avaaz researchers analysed a sample of more than 100 pieces of Facebook coronavirus disinformation on the

platform’s English, Spanish, Portuguese, Arabic, Italian and French versions.

“The research found that:

- It can take the company up to 22 days to issue warning labels for coronavirus misinformation, with delays even when Facebook partners had flagged the harmful content for the platform.
- Twenty-nine per cent of false content in the sample was not labelled at all on the English language version of the website.
- It is worse in some other languages, with 68 per cent of Italian-language content, 70 per cent of Spanish-language content, and 50 per cent of Portuguese-language content not labelled as false.”

The BBC continued: “One of the falsehoods that researchers tracked was the claim that people could rid the body of the virus by drinking a lot of water and gargling with salt or vinegar. The post was shared more than 31,000 times before eventually being taken down after Avaaz flagged it to Facebook. However, more than 2600 clones of the post remain on the platform, with nearly 100,000 interactions and most of these cloned posts have no warning labels from Facebook.”

Almost two years later, on March 21, 2022, after the worst waves of the COVID-19 pandemic had swept the world, there were still warnings that social media businesses were failing to prevent the harm of misinformation and disinformation on their platforms.⁸⁶

An Australian Communications and Media Authority (ACMA) report into a code of conduct⁸⁷ recommended by ACMA⁸⁸ and adopted by digital platforms through their industry body – the Digital Industry Group Inc. (DIGI) comprising Google, Facebook, Microsoft, Twitter, TikTok, Redbubble, Apple and Adobe⁸⁹ – found their self-regulatory industry code was “too narrow” to prevent all the harms of misinformation and disinformation.

The platforms’ code was launched in February 2021 and committed the companies to take action to reduce the impact of harmful disinformation and misinformation on their services. The platforms’ code required that harm from social media posts must be both “serious” and “imminent” before the

platforms would act. ACMA, which has oversight of the industry code, said these requirements were allowing longer term “chronic harms” including vaccine misinformation and the erosion of democracy.

“ACMA found that 82 per cent of Australians report having seen COVID-19 misinformation over the past 18 months, warning that ‘falsehoods and conspiracies’ online had undermined Australia’s public health response. Some 22 per cent reported seeing ‘a lot’ of misinformation online, with younger Australians most at risk.

“Misinformation was most common on larger digital platforms, including Facebook and Twitter, but smaller private messaging apps and alternative social media services are also increasingly used to spread misinformation or conspiracies due to their less restrictive content moderation policies.”

ACMA said misinformation “typically spreads via highly emotive and engaging posts within small online conspiracy groups” which were then “amplified” by local figures.⁹⁰

The Guardian reported that “DIGI dead-batted ACMA’s call to remove the requirement that harm be ‘imminent’ from the code, promising only to consider the recommendation when it reviews the code this year. ‘It is important to note that the code’s current approach does not preclude action on what might be described as chronic harms, and we’ve certainly seen signatories report action on these in their transparency reports,’ a DIGI spokesperson said.”

On March 21, 2022, in response to the ACMA report, the Communications Minister Paul Fletcher said the Morrison Government would introduce legislation “this year” to combat harmful disinformation and misinformation online (the May 21, 2022, federal election was called on April 10, 2022). Fletcher said the legislation would provide ACMA with new regulatory powers to hold big tech companies to account for harmful content on their platforms.

Fletcher commented: “Digital platforms must take responsibility for what is on their sites and take action when

A screenshot of a Facebook post. At the top left is the Facebook 'f' logo. In the center is an icon of a magnifying glass over a document with an exclamation mark. Below this is the main text: "Help Friends and Family Avoid False Information About COVID-19". Underneath is a shorter text: "Share a link to the World Health Organization's (WHO) website where they've put together a list of common rumors about the virus." At the bottom are two buttons: "Share Link" and "Go to who.int".

In the face of disinformation on its platform, Facebook took steps to direct people to legitimate information

harmful or misleading content appears. ACMA will be given new information-gathering powers to incentivise greater platform transparency and improve access to Australia-specific data on the effectiveness of measures to address disinformation and misinformation.

‘In addition, ACMA will be given reserve powers to register and enforce industry codes or make industry standards. This will encourage platforms to be ambitious in addressing the harms of disinformation and misinformation, while providing ACMA with the ability to hold platforms to account should their voluntary efforts prove inadequate or untimely.

“A Misinformation and Disinformation Action Group will be established, bringing together key stakeholders across government and the private sector to collaborate and share information on emerging issues and best practice responses.”⁹¹

HOW TO STOP THE LIES

The ICFJ’s Pandemic Project made recommendations for action. Based on an analysis of data from the first phase of the project conducted in 2021, the report’s authors said governments, donors and civil society organizations seeking to respond effectively to the impacts of COVID-19 on independent journalism should:

1. Prioritise democracy-reinforcing and counter-disinformation projects and programs (with a focus on critical independent journalism).
2. Make grants conditional on meeting journalism safety requirements.
3. Urgently address the mental health crisis affecting journalists and news organisations.
4. Address the online violence crisis, which is being exacerbated in the context of COVID-19.
5. Prioritise investment in collaborative/networked journalism initiatives.
6. Focus on medium- to long-term investment to address the pandemic’s ongoing effects on journalism.
7. Tailor support according to the size of the independent news organisation.
8. Invest in programs that support innovation in crisis management within news organisations.
9. Undertake research into projects/ programs to help transfer and embed knowledge globally.
10. Explore hybrid journalism-civil society projects that can help effect social change and achieve sustainable development where the need exists.
11. Convene funders while ensuring the ‘social distancing’ of the platforms and their corporate objectives.
12. Invest in projects that help maximise trust and help defend independent journalism from campaigns designed to discredit and tarnish reliable, factual reporting.
13. Invest in projects and outlets which emphasize diversity – in terms of staffing, thematic reporting and audience development.
14. Convene journalists physically as we society “reopens”.⁹²

The trust issue is undoubtedly a concern for the news media industry. But the ICFJ survey did record some modest positive information from respondents. Audiences were hungry for information from news media outlets about how to make sense of the pandemic and how to manage a response to it:

- Forty-three per cent of respondents said they felt audience trust in their journalism, or that of their news organisation, had increased during the pandemic’s first wave.
- Sixty-one per cent of respondents expressed an increased commitment to journalism because of the pandemic.
- Thirty-eight per cent said they had experienced increased audience engagement (which was also largely positive) during the first wave of the pandemic.



Increasing numbers of physical attacks on European journalists as they report on COVID and other stories

BY **SARA TORSNER**, CENTRE FOR FREEDOM OF THE MEDIA, UNIVERSITY OF SHEFFIELD, VIA THE CONVERSATION. REPRINTED FROM THE CONVERSATION⁹³

Rising numbers of European journalists are facing dangerous physical attacks as they try to cover news stories, according to recent reports. Data from the Council of Europe safety of journalists' platform shows that physical attacks on journalists more than doubled between 2019 and 2021 – with 33 attacks being recorded in 2019 compared to 51 in 2020 and 76 in 2021.

One emerging trend identified by the Council of Europe research, and other sources, are attacks on journalists covering protests of anti-lockdown demonstrations and reporting on breaches of lockdown measures.

Details of journalists being attacked while covering anti-vaccination and anti-lockdown protests is showing up in reports from a variety of sources in

Europe and beyond. This is sending a worrying signal about media freedom and the security of journalists.

Campaigners highlighted an increase in reported physical attacks on European journalists in a recent meeting with the Council of Europe committee of ministers, calling for more protection for media freedom and for those who murdered journalists to be brought to trial.





Journalists are facing all sorts of threats related to reporting on COVID. In Italy several reporters have been threatened and assaulted while reporting on demonstrations against the country's COVID-19 green pass. The green pass is a certificate showing if a person has been vaccinated, tested negative or recovered from the virus introduced by the Italian government in October 2021, and is mandatory for all workers to show at their workplaces, for dining inside at restaurants and to attend large events.

In October, *La Repubblica* photojournalist Alessandro Serranò was taken to hospital with minor injuries after being violently attacked with a shovel wielded by a man at a protest in Rome. His *La Repubblica* colleague Francesco Giovannetti received death threats and was physically assaulted at another anti-green pass demonstration a month earlier.

In France, a France 3 TV team was violently attacked on March 27, 2021, as they reported on a rally against COVID-mitigating measures.

In the UK, the BBC is reviewing its security advice to its journalists after dealing with a rise in verbal and physical attacks including at least one related to anti-lockdown protesters. Nick Watt, political editor of BBC Newsnight, who was chased by an anti-lockdown mob who shouted "traitor" and other slurs at him in June 2021 outside Downing Street.

ATTACKS IN THE STREETS

In August 2021, a group of anti-vaccine protesters attempted to storm what they believed to be the BBC headquarters but was actually a building the BBC vacated in 2013. Protesters criticised the BBC's news coverage of the coronavirus

Violence at COVID-related protests across Europe included hostility and attacks directed at journalists | *International Press Institute and EPA-EFE - Giuseppe Lami*

pandemic – individuals were recorded saying: "We've got to take over these bastards". Others have described the media "as the virus".

The danger for journalists as represented by these, often violent, COVID-related attacks needs to be understood alongside rising numbers of other threats to news journalism.

Physical attacks on journalists come against a backdrop of some influential politicians criticising reporting and reporters in ways aimed at creating (or exploiting) a loss of trust in news journalism among.

Examples include former US president Donald Trump, whose verbal attacks on the US press have been shown to be "effective at eroding the credibility of the press and undercutting consensus even as the COVID-19 pandemic continues to kill hundreds of Americans each day", according to the Committee to Protect Journalists. In Europe, similar tactics have also been applied by political leaders such as Hungary's prime minister, Viktor Orbán.

There have been attempts to restrict journalists from covering the health crisis in Hungary, Serbia, the Russian Federation and Bulgaria where "fake news laws" and other legislation have put reporters at risk of fines or prison for reporting what authorities have condemned as "false" or "unauthorised" information – but is often fair but critical journalism.

Despite a public desire for accurate information about COVID and its implications, in countries such as the Russian Federation, Turkey, Hungary and Poland, escalating antagonism towards the media includes state-led dismantling of journalistic independence and growing ownership of the media by political figures.

GROWING LIST OF MURDERS

This includes the revoking of the

licence of independent broadcaster Klubrádió in Hungary, while in Poland, the leading publisher of regional newspapers was purchased by a state-controlled oil company, and a new law was passed banning media ownership by foreign companies.

This coincides with some of the highest numbers of physical attacks on journalists recorded by the Council of Europe between 2015 and 2021 in the Russian Federation (33) and Turkey (30).

The increase in attacks comes after a series of assassinations of European journalists in recent years, including the murder of Lyra McKee in Northern Ireland, and reporters in Malta, Slovakia, Greece and the Netherlands.

Out of 33 reported cases of killings between 2015 and 2021, 26 cases – including the murder of Slovak reporter Ján Kuciak in February 2018 – have not resulted in the trial and conviction of the perpetrators.

It has been four years since the assassination of journalist Daphne Caruana Galizia in Malta in October 2017. Those responsible have still not been prosecuted.

The reduction in media freedom is not across every country, of course. Several European countries – notably Norway, Finland and Sweden – remain at the top of the 2021 World Press Freedom Index rankings.

But what these cases signal is a worrying shift towards increasingly antagonistic societies that create a normalised environment for dangerous attacks and legal restrictions on news journalism in a wide range of European countries.

Sara Torsner is a Post-Doctoral Research Fellow at Centre for Freedom of the Media at the University of Sheffield. This story is reprinted from The Conversation⁹⁴

Journalist safety

“There can be no press freedom if journalists exist in conditions of corruption, poverty or fear.”

INTERNATIONAL FEDERATION OF JOURNALISTS

REPORTING COVID PROTESTS

The harassment and abuse directed at journalists as they sought to cover anti-vaccine and anti-mandate protests soared during the pandemic, particularly from mid-2021 and on into 2022.

Reporting on protests has always been particularly difficult as the 2020 Black Lives Matter protests proved (See the chapter “Rubber bullets, pepper spray and tear gas” from the *Unsafe at Work - The MEAA Report into the State of Press Freedom in Australia in 2021*).⁹⁵

When journalists began to be assaulted by police as well as being abused by protesters, MEAA was compelled to reinforce the police and the public’s understanding of journalists’ ethical responsibilities to report in the public interest.

In a statement issued on September 22, 2021⁹⁶, MEAA said: “Journalists should be able to go about their work informing the public without facing assault from police or protesters.

“MEAA has written to Victoria Police to complain about at least four incidents when journalists were manhandled, capsicum sprayed and detained while covering an anti-lockdown protest in Melbourne on [September 19, 2021]. MEAA members were among those harmed. Vision shows journalists being crash-tackled, capsicum-sprayed, handcuffed, cautioned and arrested, searched, and questioned before being released.

“MEAA has also written to [the Victorian] Police Minister Lisa Neville, seeking assurances that Victoria Police members must make the effort to identify and differentiate working media from protesters and allow the media to do its job without fear of assault or intimidation by police.”

Despite being clearly identifiable as members of the media, some were deliberately targeted by police officers. “After a television reporter was assaulted several times while covering another protest in Melbourne on [September 22, 2021], the union has also called on media employers to ensure that journalists are as safe as possible while doing their jobs at public gatherings.”

The incident, which was captured while the reporter was reporting “live” on air, saw the reporter and camera operator assaulted by protesters, including having urine thrown over them, being struck with a drink can and being held in a headlock. Threats and abuse were directed at other journalists as they reported on the protest.

MEAA said: “Journalists are neutral observers, simply doing a job. An attack on one journalist, is an attack on us all. Police and protesters must accept that the media provides an essential service, particularly during the pandemic, in keeping our community informed.”

MEAA reiterated that media organisations should review their safety protocols and ensure proper protections

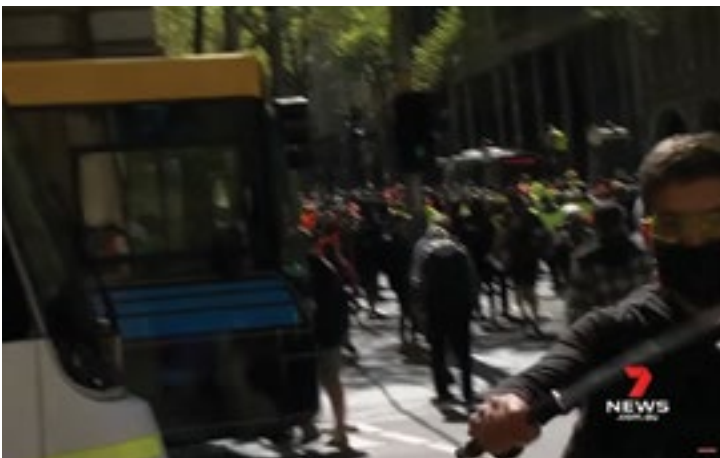
were in place for their staff. “Greater safety measures need to be put in place to allow professional journalists to do their jobs. MEAA will be contacting news editors to remind them of their obligations under workplace health and safety laws and urging them to make their employees safe and secure when at work.”

“Journalists and media workers have a duty and a responsibility to report the news and must be able to do so in safety, without the threat of intimidation or harassment. It’s also crucial that the community at large respects the work of the media and does not fall into the trap of believing baseless accusations of fake news that have led to violent physical assaults on working journalists in other countries,” MEAA said⁹⁷

DISINFORMATION AND ONLINE VIOLENCE

In April 2021, more than a year into the pandemic, UNESCO released a research discussion paper, *The Chilling: Global trends in online violence against women journalists*.⁹⁸

The paper said: “Online violence against women journalists is designed to: belittle, humiliate, and shame; induce fear, silence, and retreat; discredit them professionally, undermining accountability journalism and trust in facts; and chill their active participation (along with that of their sources, colleagues and audiences) in public debate. This amounts to an attack on democratic deliberation and media freedom, encompassing the public’s



Clockwise from above left: Despite a Herald Sun photographer carrying identification and repeatedly shouting that he is working media, a Victoria Police member charges at him with a capsicum spray canister | [heraldsun.com.au](https://www.heraldsun.com.au); Journalist Paul Dowsley is struck at the back of the head by a can while reporting an anti-vaccination protest | 7News; 'The media is the virus' - Perth February 16, 2022 | via Twitter; Photographer and MEAA Media member Michael Currie from Speed Media is handcuffed and questioned by members of Victoria Police (he was released shortly after) during an anti-lockdown protest on September 18, 2021, in Melbourne | Diego Fedele/Getty Images; A news crew is threatened by a protester with a sword during an anti-vaccination protest | 7News



TRUTH vs DISINFORMATION



right to access information, and it cannot afford to be normalised or tolerated as an inevitable aspect of online discourse, nor contemporary audience-engaged journalism.”

The COVID-19 pandemic saw a rise in the abuse, harassment and threats made against journalists, particularly a sharp increase in the online attacks on women journalists.

The UNESCO discussion paper quoted Michele Stanistreet of the UK and Ireland’s National Union of

Journalists: “The pandemic has changed journalists’ working conditions, making them yet more dependent on digital communications services and social media channels. The emergence of the ‘disinfodemic’ has also increased the toxicity of the online communities within which journalists work, making journalists ‘sitting ducks’.”

The discussion paper found women journalists are now more exposed to online violence than ever. The paper was a preliminary report of a wider UNESCO-commissioned

global study on online violence against women journalists. UNESCO’s research highlighted the function of disinformation in gendered online violence against women journalists:

1. Disinformation tactics are routinely deployed in targeted multiplatform online attacks against women journalists.
2. Reporting on disinformation and intertwined issues, such as digital conspiracy networks and far-right extremism, is a trigger for heightened attacks.
3. Disinformation purveyors



operationalise misogynistic abuse, harassment and threats against women journalists to undercut public trust in critical journalism and facts in general.

“Another major issue in evidence is the role of political actors – including presidents and elected representatives, party officials and members – in instigating and fuelling online violence campaigns against women journalists.

“Additionally, partisan, mainstream and fringe news media can be shown to

amplify such attacks, triggering ‘pile-ons’ that escalate the risks of online violence morphing into offline assault or causing significant psychological injury,” the research paper said.

MEAA’S RESOURCES TO COMBAT ONLINE ABUSE

MEAA has responded to the rising abuse directed at women journalists. In 2019 MEAA worked with Gender Equity Victoria (GEN VIC) to launch Australia’s first effort aimed at addressing online abuse of women journalists, with a report identifying the responsibility of media organisations to support the online safety of both in-house and freelance journalists.

The MEAA and GEN VIC project arose out of a 2016 MEAA survey of more than 1000 journalists. The *Mates Over Merit* report highlighted that a significant proportion of women journalists had experienced online harassment, trolling and stalking during their work, but only 16 per cent of those surveyed were aware of their workplace having existing policies to address online abuse, with another 32 per cent stating that their employer had no such policies.⁹⁹

In 2019 MEAA and GEN VIC followed up with the *Don’t Read the Comments: Enhancing Online Safety for Women Working in the Media*.¹⁰⁰ Citing several studies, the report noted online abuse can move offline, when technology is used to access private information that is then mobilised to physically stalk or harm women. “Journalists are particularly vulnerable to online attacks because the nature of their professions means that they often have public profiles and may be seen as ‘outspoken’ by people who prefer that women remain silent.

“An active online presence is a critical part of the job for many journalists, and they cannot simply disconnect from the internet to avoid harassment. The Pew Research Centre found that 58 per cent of internet users who have experienced online harassment said their most recent experience occurred on a social networking site or app, such as Twitter or Facebook, while the second most

common setting was in the comment section of websites at 23 per cent – both platforms which journalists are expected to engage with as part of their professional practice.”

Because of online abuse, women journalists self-censor out of fear for their jobs, their mental health and in some cases even their lives. “As one journalist stated, “I’m wary of being ‘controversial’ without knowing it and it’s inhibitive for sure – it impacts what risks you are willing to take and how bold you want to be with your work’.”

Women who must navigate multiple oppressions because of their race, sexuality, class, disability or because they are transgender are even more at risk of online abuse, and their experiences of gender-based harassment are intensified by these aspects of identity.

The report demonstrated the urgent need for action in the Australian media industry to address the psychological, economic and emotional impacts of online harassment of women journalists. The *Don’t Read the Comments* report recommended:

- A whole-of-organisation approach to address systemic and structural sexism in the workplace.
- Training on gender, implicit bias and bystander intervention for all staff in a media organisation.
- Treating gender-based abuse against women journalists on social media and websites as an issue of workplace health and safety.
- Moderation guidelines and training that explicitly address gendered and other identity-based abuse as a subset of abuse that requires a strong response from the organisation.
- Requiring audience members to complete a simple comprehension quiz before they are permitted to comment.
- Requiring commissioning editors to provide specific support for freelance journalists even after the story has been published and invoices paid.



TRUTH vs DISINFORMATION

During the pandemic, it was notable that there were an increasing number of journalists, particularly women journalists, abandoning their Twitter accounts due to the escalation of abuse directed at them that now included vitriol around COVID-19 virus and governments' responses to it.

MEAA urged members to use the resources developed by MEAA, GENVIC and Australian Community Managers as part of the Enhancing Online Safety for Women project.¹⁰¹ The resources included:

- *Australian Media Moderation Guidelines*: comment and online discussion moderation guidelines to be set as the industry-standard for Australian media organisations to moderate comment sections using a gender and intersectional lens.
- *Responding to the Comments*: workplace support guidelines outlining media organisations' responsibilities for helping women journalists deal with the effects of online harassment.
- *Media Cybersafety Training*: a three-hour training session for media employers' management and human resources staff to develop internal policies and procedures that aim to reduce the traumatic impact and emotional labour of online harassment on journalists.

WHAT DEFINES A MEAA MEDIA JOURNALIST?

In the pandemic's climate of social media-driven disinformation, trust is paramount. Journalists and media outlets are an essential service during times of crisis when it is crucial that audiences trust the information they receive.

There are clear dangers posed when individuals seek to be identified as journalists to gain credibility and access but who make no effort to practice legitimate and ethical public interest journalism.

Undoubtedly, the pandemic's disinformation was propelled by

creating doubts about the media, using confusion about the veracity of genuine news to foment distrust of mainstream media. The catch cry of "the media is the virus" was heard in many countries, particularly amid anti-vaccination/anti-mandate protests. Similar chants were heard during the attack on the US Capitol building on May 6, 2021, leading to calls to "murder the media".

In the atmosphere of mistrust of the media, the cynical dissemination of disinformation contributed to the development of an "alternative media", one that claims to be free, independent and the only trustworthy tellers of the "real truth".

MEAA's rules, as registered with the Fair Work Commission,¹⁰² state that only those persons who constantly or regularly engage in journalism and related fields shall be eligible for MEAA membership.

All financial MEAA Media members are issued with an electronic card when they join. Members can also apply for a plastic card. MEAA members are reminded that they should provide a headshot photograph to MEAA Member Central to include on the card.¹⁰³

The card provides an assurance that the individual works in journalism. Members must be familiar with the rights and responsibilities that come with having a MEAA membership card. Part of the card's function is to allow journalists access to places and events that may be limited to the public or subject to restrictions by authorities. As an example of the principle of a free media, MEAA Media members should be allowed access on the understanding that they are there to observe and report on matters of public interest.

The card seeks to provide maximum protection for journalists in the field – authorities should be able to identify the card to understand why journalists are there and the work they do.

"MEAA Media members must not abuse the rights or the responsibilities of their card:

- It is a misuse of the media card to seek entry to a paying event for free with no plan to report on it.
- It must not be used as a protection against disruptive activism.
- Do not use the card for personal advantage or do anything that could bring MEAA into disrepute.

MEAA advised members that the MEAA membership card is also for their protection:

- "Keep your card safe. Ensure it is visible when it is important to quickly identify you.
- Make it available for examination upon reasonable request.
- The card can also display a passport-style photograph for further identification."

MEAA Media membership also requires strict adherence to MEAA's *Journalist Code of Ethics*.¹⁰⁴ Misuse or abuse of the MEAA membership card or serious breaches of the MEAA *Journalist Code of Ethics* could result in expulsion from MEAA.¹⁰⁵

The code states: "Respect for truth and the public's right to information are fundamental principles of journalism. Journalists search, disclose, record, question, entertain, comment and remember. They inform citizens and animate democracy. They scrutinise power, but also exercise it, and should be responsible and accountable."

The MEAA *Journalist Code of Ethics*¹⁰⁶ fulfils several roles:

- to establish and apply guidelines for ethical behaviour as part of MEAA's role as the union and professional association for Australia's journalists.
- to codify conventions of ethical journalism practice.
- to provide professional protections and support for journalists as they maintain their ethical obligations, and to resist any compulsion to breach the code.

MEAA Journalist Code of Ethics

2. Do not place unnecessary emphasis on personal characteristics, including race, ethnicity, nationality, gender, age, sexual orientation, family relationships, religious belief, or physical or intellectual disability.



MEAA explained that, while it understood the need for police to be able to identify and distinguish between legitimate working journalists and the public, Victoria Police’s accreditation system had created confusion and ignored the needs of freelancers and workers from small media outlets.

“We are pleased that Victoria Police has acknowledged these concerns and indicated it will accept a MEAA Media membership card for identification purposes at protests.”¹⁰⁷ Victoria Police also distributed a tip sheet for journalists on covering protests in Victoria.¹⁰⁸

- to aid the practice of high-quality public interest journalism by establishing reporting markers for journalists to apply in their work; and
- to help engender trust between journalists and the audiences they serve.

Key clauses of the Code require MEAA members to: “Report and interpret honestly, striving for accuracy, fairness and disclosure of all essential facts. Do not suppress relevant available facts, or give distorting emphasis... Do not allow personal interest, or any belief, commitment, payment, gift or benefit, to undermine your accuracy, fairness or independence... Disclose conflicts of interest that affect, or could be seen

to affect, the accuracy, fairness or independence of your journalism.”

During 2021, the first year of the pandemic, MEAA held a series of webinars, for members of the public, journalists and MEAA members to discuss individual clauses and aspects of the MEAA Code, and how the clauses are applied.

In 2021 MEAA and Victoria Police had positive discussions following concerns raised by the union about new media accreditation requirements at public protests and rallies. MEAA was concerned that a decision by Victoria Police to issue its own identification cards to journalists and photographers had been made without consulting with the union.

MEAA members and the publications they work for are working to lift industry standards on ethical reporting and ensure public trust in the media. MEAA has begun to work with media employers by encouraging them to do their part in promoting high-quality ethical public interest journalism. The employers are encouraged to sign-on to the Code as part of their negotiations with MEAA members for new enterprise agreements.

During 2021, Guardian Australia, The New Daily and AAP agreed to acknowledge the Code of Ethics in their enterprise agreements, and more acknowledgements are expected at other workplaces as agreements are negotiated in 2022.



Outcomes of the MEAA 2022 press freedom survey

BY MARK PHILLIPS

MEAA has now been surveying working media and the public about attitudes towards press freedom for half a decade, and over that time concerns have become more entrenched.

Each year since 2018, the survey has asked respondents to rate the overall health of press freedom in Australia. In the first year, 70 per cent rated it as poor or very poor. But that proportion jumped to almost 90 per cent in 2020, following the infamous Australian Federal Police raids in mid-2019 of the ABC offices in Sydney and the home of then-News Corp journalist Annika Smethurst in Canberra.

While press freedom issues have not dominated the headlines to the same extent since, the proportion of respondents rating its health as poor or very poor has barely shifted over the past couple of years. This year, it is 85.5 per cent.

This year's survey was conducted throughout March 2022 and had 905 respondents, of whom 146 described themselves as currently working in the media. Another 106 identified as retired from journalism, an unemployed media worker or studying with the aim of working in the media.

Exactly half of working journalists described themselves as freelancers, while 39 per cent were in permanent employment. About 19 per cent of respondents were MEAA members.

Consistent with previous years, 95.25 per cent of all respondents said they believed press freedom had worsened over the past decade. This was marginally lower among working journalists, with 92.5 per cent saying it had got worse.

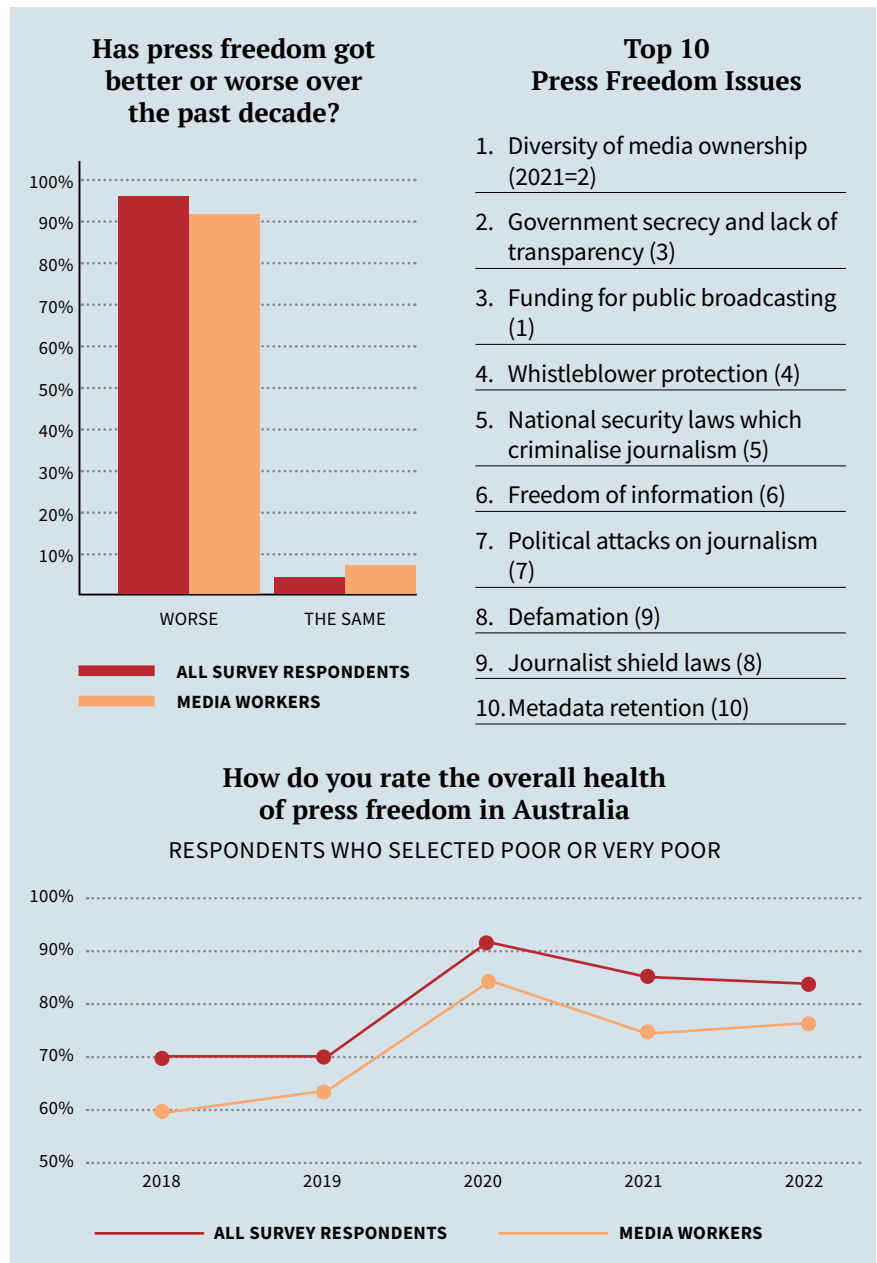
Over the past five years, the survey's ranking of most important press freedom

issues has moved around. In this year's survey, the lack of diversity of media ownership emerged as the most important issue for 24 per cent of respondents, followed closely by government secrecy and lack of transparency (22.8 per cent).

Funding public broadcasting was

ranked as most important by 18.1 per cent of respondents, and whistleblower protection was most important for 10.4 per cent.

But national security laws which criminalise journalism, which has consistently ranked among the top



couple of issues over the five years, fell to fifth in 2022 with only 8.1 per cent rating it as the most important.

A major focus of this year's press freedom report has been the vital role that public interest journalism plays in combatting disinformation and fake news and sorting out fact from fiction. This has become even more important during the COVID-19 pandemic, which has been exploited by deliberate campaigns peddling half-truths or outright lies.

But the status of journalism has also taken a battering during the pandemic, an acceleration perhaps of a longer-term trend of declining trust in the media.

Indeed, 84.5 per cent of survey respondents said trust in journalism had got worse over the past decade. A similar proportion of media workers (85.6 per cent) also felt trust from audiences and the public had declined over the past 10 years.

Survey respondents were asked their views on several solutions to restore public trust, with 62.5 per cent saying journalists and media outlets should do more to admit errors in news stories and correct the record, and 56 per cent saying training in ethical journalism should be provided at news outlets.

But 36 per cent of media workers in this year's survey said they had only a basic or superficial understanding of the *MEAA Journalist Code of Ethics*, and 57.9 per cent of employed journalists (i.e., not freelance) said their employer did not promote the code in their workplace.

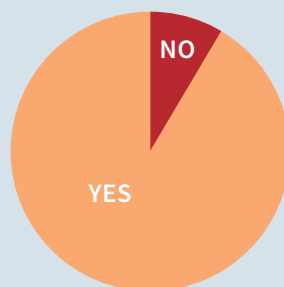
Thirty-seven per cent of media workers said they had experienced pressure at some stage in their career to do something that conflicted with the Code of Ethics

It is also clear from the survey results that the disinformation wars of the past few years, have created a more dangerous environment for journalists.

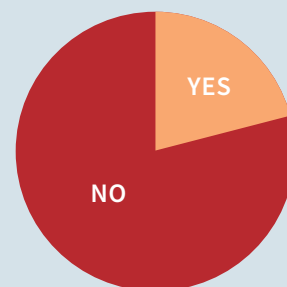
A staggering 92.5 per cent of media workers who responded to this year's survey said they feared that threats, harassment and intimidation of

How journalists feel about their own profession

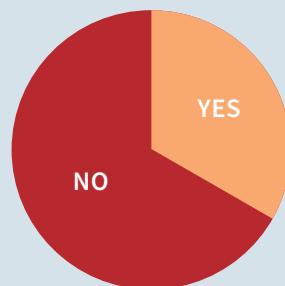
Are you fearful that threats, harassment, and intimidation of journalists are on the rise?



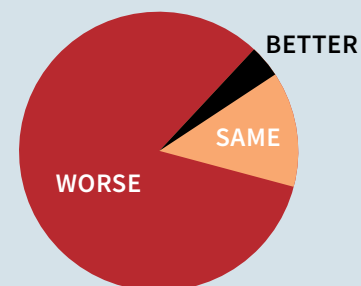
Have you ever experienced physical assaults while working as a journalist?



Over the past 12 months, have you experienced any threats to your safety online?



Do you think public trust in journalism has got better or worse over the past 10 years?



journalists are on the rise. That is an increase on the 88.8 per cent from the 2021 survey.

About one-in-five journalists who participated in the survey had been physically assaulted at some stage in their career.

This increasingly hostile environment often spills over into the online world. Several high-profile broadcast journalists, including ABC News Breakfast co-host Lisa Millar, 7.30 anchor Leigh Sales and The Project's Hamish Macdonald have quit social media because of abuse. This is mirrored by almost a third (32.2 per cent) of journalists who said they had been threatened online in the past 12 months.

Just over half of these threats were made because of something the journalist had said or reported about the COVID-19 pandemic.

But journalists are unprepared for working in this dangerous environment,

with just over a quarter (27.4 per cent) saying their employer provided sufficient training and support in situations where they faced threats and/or assaults.

On other issues, a slightly higher proportion of journalists (8.9 per cent compared to 7.2 per cent in 2021) said they had received a defamation writ in the past two years, and a steady 87.7 per cent said they believed defamation laws make reporting more difficult. This was reflected by 28.1 per cent of journalists saying they had had at least one news story spiked in the past 12 months because of fears of defamation action. About 36 per cent of journalists said they had used information provided by a confidential source to publish or broadcast a news story over the past year, but only 7.5 per cent believe legislation in the public and private sector was sufficient to protect whistleblowers.

Mark Phillips is Director – Communications at MEAA



Regional journalism in crisis

In February 2022, MEAA released the findings of its survey of journalists working in regional media about their concerns for their industry and their solutions to the problems. The subsequent report, *Rescuing Regional Journalism*, was presented to the Walkley Foundation's regional journalism summit.¹⁰⁹

The survey of almost 200 regional journalists working for media outlets across the nation found that regional and rural journalists are overworked, underpaid and pessimistic about the future of their careers and the outlets they work for.

Yet despite the bleak outlook, regional and rural journalists remain passionately committed to their jobs and their communities and believe the work they do is valued by their audiences.

REGIONAL JOURNALISM'S PRECARIOUS FUTURE

In its introduction, the *Rescuing Regional Journalism* report set out the importance of regional media and why it cannot be ignored nor neglected.

Local newspapers, websites and broadcast outlets are the heartbeats of communities in regional and rural Australia.

By reporting on local stories that the big metro outlets cannot or will not cover, they keep their communities

connected and informed about what is happening whether it be local government, schools, healthcare, or the courts. They serve as a community noticeboard for local sport, events and announcements, and as an essential service in times of drought, flood, bushfire... and pandemic.

Most importantly of all, they serve a vital role in democracy by holding those in power to account and giving a voice to everyone, no matter how small their community. If regional towns and rural communities can no longer tell their stories through local media, all of Australia loses out.

The University of Technology Sydney's Centre for Media Transition says: "Regional media fulfils functions beyond the simple provision of information: it is often a focal point for community connection, cohesion and education."¹¹⁰

But the reality is that regional and rural journalism in Australia is on a slow decline that must be arrested before it is too late.

Since the start of 2020, we have seen more than 100 regional and community newspapers cease printing and commercial broadcasters cut back their staff, bureaus, bulletins and coverage. This is on top of the 106 local and regional papers that closed over the previous decade.¹¹¹ Many of

those papers are more than a century old. Many may never reopen. MEAA's analysis over several years indicates that there are now fewer than 10,000 recognised journalists serving Australians. We believe their number has fallen by around 5000 in the last decade.¹¹²

Large parts of regional and rural Australia are becoming "news deserts" with no local media at all, or at best, tokenistic coverage of their area from distant locations. As media outlets have closed leaving towns without their community newspaper, radio or TV station or smaller media outlets have simply consolidated into bigger businesses elsewhere, local content has been slashed dramatically if not abandoned altogether.

Along the way, we have seen critical areas where journalism preserves public interest — like courts coverage, local council and corporate malfeasance — be taken out of play.

There are some green shoots: the ABC recently announced it would employ about 50 new journalists in remote and regional parts of Australia; Guardian Australia has expanded its coverage with a new rural network; News Corp has announced it is hiring new journalists in regional Australia; and a small number of new publications have sprung up around Australia to fill the void left by the closure of long-established mastheads.

But the overall prognosis for regional journalism remains poor.

In 2020, MEAA launched a campaign called Our Communities, Our Stories to provide an avenue for local communities to fight for the survival of their media and to advocate for reforms to ensure regional journalism and media have a sustainable future.

We believe that by working together with local, state and federal governments, local businesses and communities, and with regional media outlets, we can build a path to survival for regional and rural media.

The campaign has, among other things, urged members of the community and their municipal and

political leaders, to lobby the federal government for support for local media.

This lobbying contributed to the Federal Government committing \$50 million in grants through its Public Interest News Gathering (PING) program (recently extended by another \$10 million over two years), but more needs to be done to sustain and strengthen a vibrant and independent regional media ecosystem.

This support could include direct support for regional journalism, or tax incentives to support emerging community media models.

The regions must get their fair share of funds that will flow from the mandatory code for digital platforms introduced last year to make Facebook and Google pay a fair price for the journalism that they use on their platforms.

It must be stressed that the solution is not further mergers, acquisitions and consolidation of media in regional Australia.

In the 2016 study *Who Owns the World's Media? Australia* was found to have the fifth highest level of concentration of all forms of media, and the third most concentrated newspaper industry in the liberal democratic world.¹¹⁵

According to IbisWorld, the four major newspaper companies have routinely accounted for 85 per cent to 90 per cent of industry revenues over the past five years. The four largest television companies consumed over 70 per cent of all industry revenues, while radio's four largest companies pull in two thirds of all industry income.

This extraordinarily high level of concentration has been a major factor contributing to the decline of regional media and journalism in recent years.

It's important that communities including journalists have a say in shaping the future of the regional media industry. To help inform future policy solutions and provide an accurate picture of the state of regional journalism, in late-2021,

MEAA undertook a nationwide survey of journalists.

This provides a comprehensive picture of the working conditions of regional journalists, their outlook for the future and some possible solutions to the crisis based on their years of experience and embedded local knowledge of the communities they serve.

The MEAA regional journalism survey was open between August and November 2021. The survey engaged with those directly involved in newsgathering — the journalists who are best connected to the communities they serve. In that way, journalists could explain exactly what was taking place at their media outlet and what their local community wanted.

THE SCALE OF THE REGIONAL JOURNALISM CRISIS

Regional media had already been declining before the onset of COVID-19, but the pandemic had accelerated closures and cutbacks to the detriment of communities in regional and rural Australia.

MEAA said, "This is devastating for communities where the local newspaper has for decades been the heartbeat of the community, keeping them connected and informed, giving them a voice, and holding power to account."

Key findings of the MEAA survey in the *Rescuing Regional Journalism* report included:

- Eighty-two per cent of rural and regional journalists earn less than \$75,000 per annum, well below the average wage in Australia.
- Forty-four per cent earn below \$50,000 per annum.
- Thirteen per cent work more than 10 hours of overtime a week.
- Thirty per cent receive no compensation for the extra hours they put in.
- Sixty-four per cent said the resources at their outlet were poor or very poor and 63 per cent rated their opportunities for career advancement as poor or very poor.
- Fifty-four per cent don't see themselves still working in journalism in five years' time.
- Eighty-four per cent believe their community is a strong supporter of their outlet.

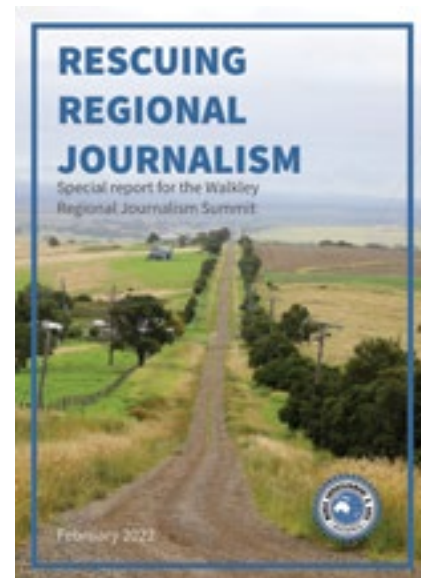
- Twenty-seven per cent ranked the impact on communities of the closure of media outlets as the most important issue in regional journalism.

The survey also canvassed possible policy solutions to tackle the crisis in regional media. The most support (27 per cent) was for ongoing government assistance for regional media businesses through an expansion of the \$50 million Public Interest News Gathering (PING) program. Some 19 per cent called for a boost to the funding of the public broadcasters so they could expand their presence in regional Australia.

The least preferred option was relaxing media ownership laws to allow more mergers and takeovers, with support from just one per cent of respondents. "The crisis in regional journalism has to be met head on... more mergers and acquisitions are not the answer," MEAA said.

MEAA said that the February announcement by the Morrison Government of an additional \$10 million in grants over two years towards regional journalism cadetships and training was woefully inadequate.

Research commissioned by MEAA suggested annual funding of \$250 million was needed to sustain public interest journalism in Australia. "The Federal Government must draw a line – that it is not prepared to see regional media suffer more concentration, more closures, more job losses, that have left communities abandoned," MEAA said.



Funding public interest journalism

URGENT ACTION NEEDED

On November 21, 2021, MEAA released the findings of a new study that identified the dire state of Australian public interest journalism. MEAA demanded urgent government action to safeguard Australian democracy.

MEAA said Australian journalism was in crisis after years of disruption, undermining and neglect, and swift action was urgently needed to halt the decline.

MEAA commissioned the Centre for Future Work at The Australia Institute to prepare the report, *The Future of Work in Journalism*, to examine the state of Australian journalism and to develop recommendations that could be used to address the serious decline that has taken place over the past decade.¹¹⁴

The report stated that journalism is a “public good” that can only be sustained by a dramatic renovation of government supports, including:

- a new \$250 million fund to sustain journalism,
- expanded funding for public media organisations,
- rebates (refundable tax credits) for the employment of journalists,
- tax concessions for consumers of news media, and
- a stronger Mandatory News Bargaining Code with dedicated funding for small and new media.

MEAA said: “It’s abundantly clear that the slow erosion of Australia’s media industry over many years has taken its toll on public interest journalism. As this study shows, failure to take dramatic steps now places our democracy at risk.”

The crisis was most stark in the disappearance of dozens of media outlets and hundreds of journalist jobs from regional, rural and community media in recent years. The Australia Institute’s study reveals that the number of journalists has fallen dramatically over the past decade and the decline will continue without effective policy and regulatory changes. Efforts to support journalism have, to date, been inadequate and poorly targeted.

Media workers have delivered massive productivity gains in an environment of ongoing cost-cutting, but have been “rewarded” by stagnant wages, and ongoing restructuring and shifts into freelance and casual work, which now make up about one-third of the media workforce. A significant and unacceptable gender pay gap persists above the national industry average.

The report also highlighted the upheaval caused to the Australian media ecosystem by the arrival and rise of digital platforms. The Government’s response to digital platforms earning



revenue off the back of editorial content provided by news media outlets, the News Media and Digital Platforms Bargaining Code, had not achieved the rebalance needed to promote public interest journalism. The report recommended the deals struck under the Code between the digital platforms and the media organisations should be disclosed and that dedicated funding be provided to the small-to-medium media sector, which has been treated with contempt by the major digital players.

Among the other remedies recommended in the report, MEAA supported the call for certainty around and restoration of the funding of public media including the national broadcasters ABC and SBS; and expansion of the government’s existing Public Interest News Gathering (PIG) program to include all classes of journalism, including freelancers, and media content production. “This storm has been coming for many years,” MEAA said. “The media



Prime Minister Scott Morrison,
Treasurer Josh Frydenberg and
Minister for Communications
Paul Fletcher | *The Australian*

industry has been savaged. Thousands of journalism jobs have been lost. Print and broadcast media have all been hurt: mastheads have closed, networks have been cut back.

“Local community and regional reporting have, in many places, disappeared altogether. The number of media players has been reduced to a handful of very powerful players, and that power is [reducing] the variety of voices and choices for Australians.

“The News Media Bargaining Code offers a partial remedy to the revenue losses by Australian media, but the big digital platforms have cynically avoided regulation under the Code by promising to do ‘just enough’. Outside the code they are showing their ‘just enough’ is wholly inadequate with not only small publishers missing out...

“Public interest journalism is a public good. It informs and entertains Australians, ensures the public’s right

to know and holds the powerful to account. If [Australians] want that to continue, then there is no time to waste to address the many challenges facing those working in journalism and the entire media industry.”

THE NEWS MEDIA AND DIGITAL PLATFORMS MANDATORY BARGAINING CODE

On February 24, 2021, the *Treasury Laws Amendment (News Media and Digital Platforms Mandatory Bargaining Code) Bill 2021* passed both houses of Parliament (see the 2021 MEAA press freedom report for more on the development of the Code and the negotiations that took place when it came into operation¹¹⁵).

At the time, in submissions about the Bill and on numerous occasions since, MEAA has expressed concern about how the Code was structured and how it would operate. MEAA’s major concern with the Code remained its failure to specify that funds generated

through the bargaining arrangements must be directed to production of journalistic content. MEAA said this was a dangerous omission.

“As MEAA stated in its 28 August 2020 submission on the draft Code: ‘Although it appears logical that funds raised under the Code will be devoted to the production of content, there is an evident risk that funds may not be directed to such purposes in the absence of an explicit requirement in the Code.

“It would be a perverse consequence of the years-long digital platforms inquiry and code development process if funds raised via the Code were directed to purposes other than sustaining and increasing news content that serves the public interest. MEAA therefore seeks the inclusion of text in the Code that articulates that the primary purpose for funds attained through the Code will be for the purposes of sustaining and increasing levels of covered news content.’



“As MEAA also stated in its December 2020 submission to the Parliament on Australian media diversity¹¹⁶, these funds should not be permitted to wash through an organisation and used for non-journalistic purposes.”

MEAA warned that a further significant concern lay in how little the Code appeared to deal with the parlous economic and employment situation at regional media organisations. “Although the Code commonly regulates all news companies, it remains the case that the Code offers little to regional news organisations.

“As MEAA has repeatedly illustrated to media inquiries conducted in the past five years, it is regional news providers that face the most dismal futures with respect to monetising their content, keeping the lights on and keeping communities informed.

“MEAA is gravely concerned that the Code’s standard offer, and collective bargaining mechanisms, will not adequately address the situation. If this matter cannot be satisfactorily addressed through the Code (by quarantining a set proportion of funds obtained through all Code agreements), the one-year government’s Public Interest News Gathering Program [PING] must be enhanced and extended by at least a further two years, in line with the Australian Consumer and Competition Commission’s (ACCC’s) initial digital platforms inquiry recommendation.”

MEAA also argued that the draft legislation’s \$150,000 per annum revenue test for eligible media organisations was “too high and would prevent new and very small news businesses from participating in and being remunerated under the Code.” MEAA proposed the amount should be halved to \$75,000.00.

Freelance journalists were also at risk. MEAA said that the revenue test in the Bill and the lack of mandated use of Code-generated funds to produce content would have a direct bearing on levels of content generated by freelance journalists.

MEAA also remained concerned by the exclusion from the definition of “covered news content” of “journals and publications intended primarily for academic, rather than general, audiences”. “The policy basis for this is unclear. The maintenance of this provision may threaten the eligibility of content providers that regularly provide academic commentary on issues of public interest. It follows that if eligibility is frustrated, so too will the capacity of media providers to be remunerated for such content.”¹¹⁷

INQUIRY TO INVESTIGATE CHANGES

Many of those concerns remain, however the recommendations of the House of Representatives Standing Committee on Communications and the Arts inquiry into Australia’s regional newspapers has made recommendations for changes to the News Media Bargaining Code and the PING.

On February 28, 2022, Treasurer Josh Frydenberg and Communications Minister Paul Fletcher announced the Government would conduct a review of the News Media and Digital Platforms Mandatory Bargaining Code, as required under the legislation that created the code.¹¹⁸

The Treasury Department will lead the review but the Communications Department, the Australian Communications and Media Authority and the Australian Competition & Consumer Commission will be included. A consultation paper has been released for the review which is expected to report its findings and recommendations in September 2022.¹¹⁹ The review will assess the operations of the code, identify improvements as well as assessing the commercial agreements made by the digital platforms and news media organisations.

THE PUBLIC INTEREST NEWS GATHERING PROGRAM AND REGIONAL JOURNALISM

After considerable lobbying by MEAA and others, alerting the government to the crisis in regional journalism, the government responded by directing



funds from the Public Interest News Gathering (PING) program to assist regional media outlets.

However, while government intervention to assist some of weakened regional media outlets that had survived through 2020 was a good initial move, the PING program’s grants were too little, too late and extremely flawed in terms of who benefited.

In December 2021, a study by the Guardian of how the PING dispersed funds to regional media companies showed that some of the biggest regional Australian publishers had won multimillion-dollar government grants designed to protect local journalism jobs but had also sacked staff and closed newsrooms “before the ink was dry on their grant agreements”.¹²⁰

“Guardian Australia can also reveal that the government conducted a federal seat analysis of the Public Interest News Gathering grants to determine



which seats would benefit from the \$50m program. The communications minister, Paul Fletcher, did not respond to questions about the analysis.”

THE REGIONAL NEWSPAPERS INQUIRY

The regional journalism crisis, which had become starkly apparent during 2000 as the COVID-19 pandemic bit hard into regional media outlets, sparked a Parliamentary inquiry, *The Future of Regional Newspapers in a Digital World*.¹²¹

On December 22, 2021, the Minister for Communications, Paul Fletcher had initiated the inquiry. In its terms of reference, the Committee was required to “inquire into the provision of newspapers (print and digital) in regional and remote Australia. The Committee will consider:

- The impact of decisions in a number of markets in regional and remote Australia by large publishers such as News Corp and Australian

Community Media to suspend publication of print editions,

- The extent to which there has been entry into these or other markets by new operators, particularly small businesses,
- The impact of the News Media Bargaining Code for regional and remote newspapers,
- The degree to which there has been economic recovery in regional and remote markets from the impacts of COVID, and whether this has led to advertising revenue improving.”

In its submission to the inquiry, MEAA said local public interest journalism must be seen as an indispensable part of a community’s civic infrastructure – in all communities. “Regional and rural communities are being progressively denied local public interest journalism for the reasons set out in this submission. The tide must be turned so that communities are adequately informed and can contribute to local debates and decisions.

“The time has well and truly arrived that Federal Government takes concrete steps to sustain local public interest journalism by embracing the need for multi-year, arms’ length funding that is tied to the production of local content. Anything less will foster a continuation of the progressive decline of regional journalism.”¹²²

In March 2022, the inquiry tabled its report. MEAA’s proposals were mostly adopted by the inquiry committee. Among the key recommendations of the inquiry were:

- “The Committee recommends the *Broadcasting Services Act 1992* be amended to enable the Australian Communications and Media Authority to consider the factors outlined in the *News in Australia: diversity and localism* research paper in determining whether an unacceptable media diversity situation exists.
- The Committee recommends that the Australian Government



consider the funding and development of a project to gather and analyse core longitudinal data on regional newspapers in Australia over a minimum 10-year period.

- The Committee recommends that the Department of Infrastructure, Transport, Regional Development and Communications work with the Australian Broadcasting Corporation and the Special Broadcasting Service to facilitate partnerships with small regional publishers and broadcasters, modelled on the BBC Local News Partnerships program.”

The inquiry also recommended the Government increase its advertising spending among regional media, develop targeted grants for small, independent regional newspapers, tax rebates for regional businesses that support their local newspapers, and research ways to assist regional publishers and improve their business models.

Responding to the inquiry’s report, MEAA noted that the inquiry acknowledged the stark decline in regional newspaper publishing and called for new targeted funding for the sector.¹²³ The inquiry “has confirmed that government funding for regional journalism must be expanded or more outlets will close, and jobs will be lost,” MEAA said.

MEAA noted that the inquiry had acknowledged concerns that MEAA and others had made in their submissions: the funding from the Morrison Government’s \$50 million Public Interest News Gathering (PING) program was exhausted, and the inquiry had exposed flaws in the distribution of the money, which resulted in 87 per cent of the funds flowing to just 10 recipients.

MEAA said that rather than supporting small and independent publishers and broadcasters, the main beneficiaries of government funding under the PING program were big established media owners including Australian Community Media, Southern Cross Austereo, Prime and WIN. Those four companies alone received just under \$30 million. By

contrast, most independent regional newspapers selected under PING received only \$10,000 of funding or missed out completely.

MEAA had recommended that the PING program be increased to \$250 million a year so that small and independent publishers were better supported. MEAA said, “A major investment of new funds is needed now that PING has run its course. But rather than replicating the mistakes of the first PING, a new program is required that ensures funding flows to smaller publishers, which was not the case last time.”

The inquiry had also examined the News Media Bargaining Code. MEAA had recommended the revenue threshold for access to the code be halved so that small and independent publishers and freelancers could benefit. Up to that point, news organisations had to be able to demonstrate average annual revenue of \$150,000 over three out of five years to be eligible for coverage by the code, which would then enable those media outlets to bargain with Alphabet (Google) and Meta (Facebook) for payment. MEAA submitted that the threshold was too great and was a barrier to small rural and regional publishers seeking inclusion.

The inquiry report subsequently recommended halving the threshold to \$75,000.

MEAA expressed concern that the code was not meeting expectations. “Twelve months down the track, there has not been any action taken by the government to enforce the code. The Treasurer has the power to designate a digital platform under the code, which would force Google and Facebook to negotiate if they will not do so voluntarily. Without this enforcement, a power imbalance will continue that will mean smaller regional, rural and community publishers miss out on any payments from the digital platforms because Google and Facebook will refuse to deal with them.”

MEAA also welcomed a committee recommendation for more transparency about the deals struck under the Code, particularly to assess funds that are being invested in journalism

and editorial resources and not going towards executive remuneration or increased shareholder profits.

Importantly, the Committee also recommended the Government follow up with another inquiry within two years to again a review the viability of regional newspapers.

SUPPORT FOR AAP

On May 12, 2021, days after MEAA’s 2021 press freedom report was released, the Government brought down its Budget. It contained \$15 million to support Australian Associated Press (AAP), Australia’s only independent newswire.

Most of AAP equivalent newswire agencies around the world rely on government support to supplement their commercial and philanthropic funding. AAP faced closure in March 2021 after its founding shareholders, News Corporation and Nine (previously Fairfax Media) announced they would close the business.¹²⁴ A core group of AAP management sought to keep a reduced operation going, with staff numbers halved to 85, and to function as an independent newswire.

MEAA welcomed the \$15 million of support along with the Government granting AAP Deductible Gift Recipient status. MEAA said these measures would go some way towards ensuring the future of AAP.¹²⁵ “AAP performs an essential service by providing balanced, independent and trusted news from all over Australia to dozens of outlets large and small. Having fought so hard for the survival of AAP, it would have been devastating if it ran out of funds again.

AAP CEO Emma Cowdroy said; “In the context of AAP’s exclusion from the Digital Platforms Mandatory Bargaining Code, this grant will help underpin the AAP newswire on its path to sustainability. The AAP newswire is an essential part of our democratic infrastructure. Supporting the national newswire means supporting the industry as a whole,” she said.¹²⁶

The 2021 Budget also saw extra \$8 million for the community radio sector.

However, the May 2021 Budget left



the national public broadcasters, the ABC and SBS, without certainty for their future funding. MEAA noted that the ABC still had a year to run before the indexation freeze of its operating budget, applied by the Government, would end. MEAA added that the \$44 million annual enhanced local and regional news gathering program would expire in 2022 and there were no guarantees that it would be extended. “The expected cessation of the regional and local news gathering funding is short-sighted and will hurt those communities it is meant to help.”

PUBLIC BROADCASTING’S PARTIAL FIX

Having delivered nothing for public broadcasting in its 2021 Budget, the government offered a minimal funding fix in 2022. With a federal election looming in May, the 2022 Budget, brought down on February 7, 2022, announced a partial refunding of the ABC and SBS. While the modest restoration was welcomed, the national public broadcasters had suffered a massive loss of resources due to savage cuts that had been implemented after the Coalition won government in 2013.

Since the Coalition has been in power

\$526 million has been slashed from ABC and 640 jobs have been lost.¹²⁷ MEAA said the Budget announcement of an \$87 million increase in funding to the ABC was a drop in the ocean after the half a billion dollars of cuts.¹²⁸ The announcement “merely reverses the indexation freeze of 2019 and continues the Enhanced News Gathering Program for another three years,” MEAA said.

During the previous three years, when the indexation freeze was in place, the ABC has been forced to cut programming and content and make more than 250 jobs redundant. “The freezing of the indexation funding in 2019 was a punitive action taken to satisfy the Coalition backbench; [it] should have never happened in the first place,” MEAA said.

“The decision to end the indexation freeze is little comfort for hundreds of media workers forced out the door over the last couple of years. The freeze has seen hundreds of years of newsgathering experience depart the ABC. [The Budget] decision doesn’t bring back the programs and content cut – like the 7.45 am news bulletin or ABC Life – or the international and local coverage which had to be scaled back.

“Now, with an election imminent, the government has finally heard the message: most Australians of all political persuasions want public broadcasting funding increased. But [the Government] will have to do much better to convince voters that the ABC is safe as a much-loved public institution independent of government interference.”

PING DOESN’T GET ENOUGH

Another 2022 Federal Budget announcement also fell short. MEAA said the \$10 million over two years for the Public Interest News Gathering (PING) program (down from an initial \$50 million, barely scratched the surface in tackling the crisis in regional journalism.

The Australia Institute’s Centre for Future Work said, in its November 2021 report into the future of journalism, that the regional media sector needed \$250 million annually in support to be sustainable.¹²⁹

MEAA described the government’s announcement as woefully inadequate funding. “Since the previous round of funding, the crisis in regional media has continued.”

Freelance journalism

FAIR RIGHTS AND FAIR RATES FOR FREELANCERS

MEAA has long recognised that one of the key areas of inequality in the journalist profession is the comparative lack of rights of freelance journalists when compared with the full-time journalists working at media outlets. However, in trying to change things for the better, MEAA has faced numerous obstacles, including the way freelancers, deemed “independent contractors”, are recognised in industrial relations legislation.

In 2021, MEAA’s National Freelance Committee developed new strategies to improve the bargaining rights for freelance members. The process began with a comprehensive survey of people working in freelance journalism.¹⁵⁰

The survey, completed by 470 freelancers, was included in MEAA’s *Freelancers for Fair Rates* report.¹⁵¹ The survey provided a comprehensive snapshot of the state of the industry that MEAA will use as the springboard for a national campaign during 2022 to establish a floor of minimum pay and conditions for all journalists and media workers.

The MEAA survey revealed a crisis in the media industry, with more media workers freelancing than ever before and most struggling to earn a living wage or save for the future.

The survey found that most freelancers are earning far below average weekly earnings, and more than two-thirds are fearful over their lack of superannuation.

Freelance work is the sole source of income for a third of the survey respondents, and a primary source of income for another 22 per cent.

Freelancers’ average incomes are well below the national average of about \$90,000 a year. Only 11 per cent of the survey respondents said they were earning more than \$80,000 from freelance journalism. A third of respondents said they earned between \$10,000 and \$39,999 from freelancing. Another 26 per cent said they earned between \$40,000 and \$79,999. However, almost one in three respondents, 30 per cent, said they were earning less than \$10,000.

These findings are echoed in the *2022 Australian Media Landscape Report* that looked at the earnings of freelance journalists and media outlets’ employees. It found that freelance journalists earn far less than those journalists employed full-time. It said that most freelancers in its survey (64 per cent) earn less than \$60,000 a year compared to just 21 per cent of full-time employees.¹⁵²

As MEAA noted in its *Freelancers for Fair Rates* report: “Freelancers have always been an important part of the Australian media landscape but with the disruption that has taken place over the past two decades, media outlets are using freelance contributors more than ever before. Now, when we consume print, digital and broadcast media, it is just as likely to have been created by a freelance contributor as an ‘in house’ employee journalist.”

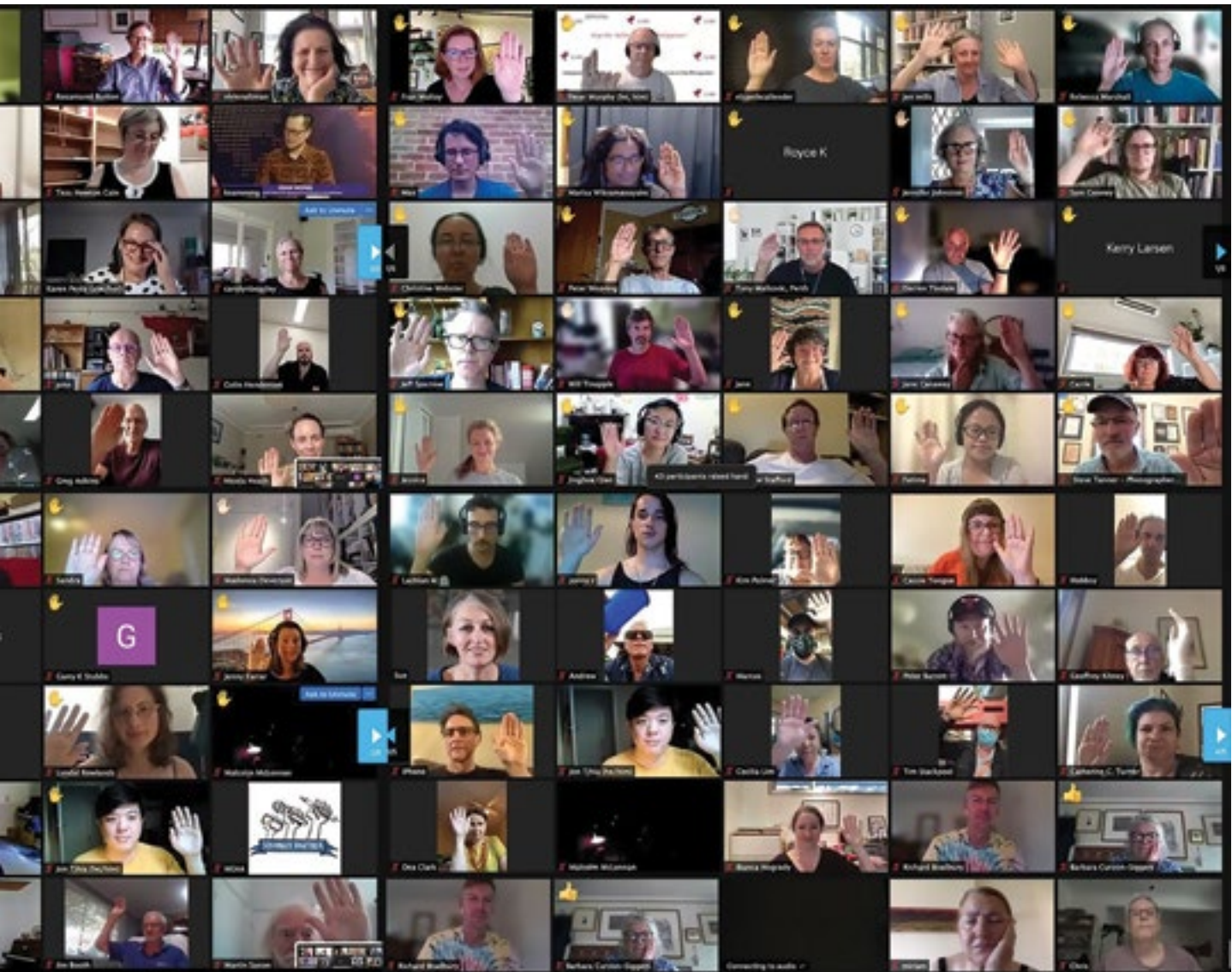


On February 24, 2022 an online meeting of freelancers endorses the MEAA Freelance Journalists’ Charter of Rights

The race to the bottom on costs by media outlets has had an impact on media employees too by contributing to a decline in wages, conditions and job security.

“Right now, Australian journalism is in a precarious state. By constantly slashing the pay rates of freelance journalists, media outlets are increasingly outsourcing their editorial content. That means they can employ fewer journalists in-house, continue to cut costs, pay lower salaries and slash resources. Media outlets are on a gradual slide to the bottom.”¹⁵³

MEAA said: “Freelance journalism is operating without the safety net of



workplace rights... There are thousands of freelance journalists in Australia, working as reporters and writers, photographers, producers, subeditors, illustrators, researchers and in other editorial roles. As any freelancer will tell you: there are no minimum rates of pay; there is no job security; superannuation is almost non-existent; payments are often late; and kill fees rare. Freelancers can also struggle to retain copyright over their work and are not afforded protection from defamation that in-house journalists have under the cover of their employer.”

In early 2022, MEAA launched an industry wide campaign to establish a minimum floor of pay and conditions for all journalists and media workers. The MEAA National Freelance Committee developed an industry charter that MEAA members would vote

on, then media outlets and employers would be called to sign to show their commitment.

The charter acknowledges that freelance contributors are an integral part of a media outlet, that the business and the freelancer are committed to quality journalism, and that fair remuneration and working conditions are integral to upholding editorial standards. The charter outlines the need for fair base rates of pay, payment on time, “kill” fees for when stories are “spiked” and not published, superannuation, retention of copyright and protection from liability for defamation.

By endorsing and campaigning for these as minimum standards for engagement, and then refusing to accept less, MEAA members will build a new floor for an industry that leaves no one behind and keeps quality at the forefront.

The *Freelance Journalists’ Charter of Rights*.¹⁵⁴ underpins MEAA’s freelance campaign, as contributors stand together to seek collective agreements with media outlets. On Wednesday February 24, 2022, an online meeting of more than 120 freelancers formally endorsed the Charter. Subsequently, MEAA’s newly elected National Media Section committee showed its support for the Charter and by April 5, 2022, the endorsement had grown to 337 freelancers with more adding their endorsement all the time.

MEAA freelance members have begun working with MEAA members employed at media outlets to jointly press for freelancers included in negotiations for new enterprise beginning agreements in those workplaces. MEAA said: “It’s a way of acknowledging that unless all journalism produced for a media outlet is properly acknowledged, appreciated

FREELANCERS FOR FAIR RATES

A report on the state of
freelance journalism in
Australia.



MEAA’s newly elected National Media Section committee supports the Freelance Journalists’ Charter of Rights

and accounted for, there will be a steady erosion in pay and conditions for all. That not only affects all media workers, but it also has a dangerous impact on the ability to produce the high-quality ethical journalism that serves our communities.”

To date, freelancers’ rights are being negotiated at several media outlets. Freelance photographers at Nine

have also had a win: backpay of superannuation – a move that could have enormous implications for freelance contributors.

The MEAA National Freelance Committee has also overseen the development of a dedicated MEAA Freelance Members website: <https://freelancers.org.au/>. The site gathers into one location all the existing MEAA resources available for freelancers including a member forum, insurance and accreditation documents, information on training and events, a

model contract to assist freelancers to draft their own contracts, information on the Freelance Pro category of MEAA membership and campaign details on the work being done to include freelancers as part of members’ collective bargaining agreements.

MEAA’s National Freelance Committee has also introduced a Facebook group and blog and revitalised the existing Rate Tracker tool which collects and shares market intelligence about what commissioning media sites were paying for contributions.

National security and press freedom

On May 19, 2021, MEAA responded to the recommendations of a Senate Environment and Communications References Committee inquiry into press freedom.¹³⁵ MEAA had long called for efforts to curb the growing culture of government secrecy, stop the persecution of whistleblowers and prevent journalists from being prosecuted for simply doing their jobs.¹³⁶

MEAA welcomed the inquiry's report which responded to MEAA's concerns and those made by other members of the Australia's Right to Know (ARTK) media industry lobbying group. The group had launched their campaign for change in response to the Australian Federal Police (AFP) raids on the Canberra home of a News Corporation journalist and the offices of the ABC in June 2019. The AFP raids sought to identify whistleblowers involved in public interest news stories about government agencies.

The ARTK group and MEAA, sought to ensure journalists and their sources could expose wrongdoing without fear of reprisal. MEAA, along with other members of ARTK, gave evidence to the inquiry that dozens of pieces of legislation since the early-2000s had created a culture of secrecy which had a chilling effect on journalism.

MEAA and ARTK called for a suite of reforms:

- The right for journalists and media organisations to contest the application for warrants.
- Exemptions for journalists from laws that would put them in jail for doing their jobs, including security laws enacted over the last seven years.

- Public sector whistleblowers must be adequately protected.
- A new regime that limits which documents can be stamped "secret".
- A properly functioning freedom of information (FOI) regime; and
- Defamation law reform.

MEAA said the Senate inquiry's recommendations went a long way to clawing back the overreach of dozens Australia's "national security" laws that have been introduced since the September 2001 terrorist attacks in the US.

"After almost two decades of increased secrecy, culminating in the investigation and potential prosecution of journalists for doing their jobs, these recommendations would restore confidence for journalists that they can report on national security issues without the threat of prosecution," MEAA said.

Under the committee's recommendations, a greater onus would be placed on government agencies to prove that reporting on national security matters was not in the public interest, rather than the other way around. There would be stronger safeguards against the issuing of warrants and the exercise of other coercive powers by the AFP and other government agencies, and there would be improved flow of information and transparency about government activities.

The inquiry also recommended examined how government information is classified as secret and called for improved transparency in the *Freedom of Information Act*; placing the onus

on government agencies to prove an unauthorised disclosure is not in the public interest. It also recommended harmonisation of national shield laws.

MEAA responded: "It's welcome that the inquiry has recognised that powers to go after journalists for their public interest journalism need to be overturned. The inquiry has recognised many long-standing press freedom concerns by recommending amendments to the *ASIO Act*, the *Criminal Code Act* and the use of coercive powers to prosecute journalists under the *Crimes Act*.

"It has also urged changes to ensure greater protection for whistleblowers and it has taken up MEAA's suggestion of a national uniform shield law regime that recognises the ethical obligation of journalists to never reveal the identity of a confidential source.

"Importantly, it has urged the Commonwealth Director of Public Prosecutions to review whether the prosecution of former Army lawyer, whistleblower David McBride, should go ahead – the Brereton Inquiry into allegations of war crimes committed by Australian soldiers in Afghanistan has vindicated McBride's action," MEAA said.

MEAA hopes that the inquiry's recommendations will be taken up by Australia's politicians who repeatedly affirmed, after the Australian Federal Police raids, that they believe in press freedom.¹³⁷



Diversity

REPORTING ON LGBTQIA+ ISSUES

On November 30, 2021, MEAA released *Guidelines for Reporting LGBTQIA+ Issues*.¹³⁸ The new guidelines, endorsed by the National Media Section committee, were developed by the MEAA Ethics Committee and union activists, with input from members and peak community groups.

Like the *Guidelines on Reporting Hate Speech and Extremism*¹³⁹, the new guidelines sit alongside the MEAA *Journalist Code of Ethics*.¹⁴⁰ The code states that journalists should not “place unnecessary emphasis on personal characteristics including race, ethnicity, nationality, gender, age, sexual orientation, family relationships, religious belief or physical or intellectual disability”.

The project to produce the guidelines reflected a wider goal for MEAA to work as a progressive force for social change and to protect the rights and freedoms of everyday Australians through our campaigns across the industries we represent.¹⁴¹

The population of LGBTQIA+ people is large and diverse and is represented

by a wide array of groups, communities and individuals with different ways of identifying and expressing their specific gender identities, sexualities or sex characteristics. All however share common experiences with prejudice, trauma and discrimination. This hurt is sometimes worsened by disrespectful media reporting.

Community representatives urged MEAA’s guidelines to be comprehensive and support the spectrum of LGBTQIA+ people by recommending the use of preferred terms for specific sexualities, gender identities or sex characteristics; to provide suggested approaches to interviewing and storytelling; legal and ethical considerations, and links to additional resources.

The groups included:

- ACON
- Black Rainbow
- Transcend Australia
- Intersex Human Rights Australia
- Australian Asexuals
- First Nations Rainbow
- Australian Federation of AIDS Organisations.

MEAA adopted the term LGBTQIA+ with the support of the community

groups, as a common umbrella term for people with a wide range of diverse sexual orientations, gender identities and expressions and sex characteristics. MEAA appreciated that there are different ways of identifying and the term is simply used as a starting point for a richly diverse spectrum of people with a range of gender identities, cultures, backgrounds, sexualities, orientations, and sex characteristics.

There are two documents that form the guidelines, a two-page factsheet and the 13-page guidelines booklet. The guidelines will also inform the work of the MEAA Ethics Committee, a group of elected volunteers that works to promote and protect ethical practice amongst the professional journalists who belong to MEAA.

The guidelines are available for journalists who have questions about covering an issue or topic they may not have encountered. The broad principle is to encourage journalists to recognise the rights and freedoms of all lesbian, gay, bisexual, trans, queer, intersex, asexual and all other people who identify within this spectrum represented by the rainbow flag, and to encourage respectful and ethical editorial coverage of the issues they face.

The aim is to provide a range of tools to help journalists produce ethical

Amnesty International Australia



reporting that is guided by MEAA's *Journalist Code of Ethics*.

The guidelines follow the successful introduction of the *Reporting Hate Speech and Extremism* guidelines in 2020, which helped journalists navigate ways to report on race and to handle extremist content in their day-to-day news reporting.

FIRST NATIONS

MEAA's strategic plan requires the union to better reflect the nation. MEAA's key policy-making body, the Federal Council of elected officials, resolved in 2018 to develop a reconciliation action plan (RAP) and followed up by expanding the project in 2020. The RAP would improve MEAA's engagement with First Nations members and communities. "We seek to demonstrate that the union is dedicated to meaningful and durable engagement with First Australians and will work to advance and respect their interests."

On June 30, 2021, MEAA formally adopted its Reconciliation Action Plan.¹⁴² Announcing the implementation of the plan, MEAA Federal President Simon Collins said: "Our members tell stories and bring them to life – through performance and in the media. An indispensable part of our story telling is the history and experience of First Nations people. As we know, it is a history marked largely

by dispossession and ignorance of their lived experience.

"MEAA openly acknowledges these facts," Collins said. "Acknowledgement of Australia's First Nations history is a valuable part of the reconciliation process. It is equally important – if not more so – that the union act on its principles and change the way it operates to represent and project the undeniably immense talents of First Nations members and others in the artistic and media communities."

In recent times, MEAA has also established an Indigenous Caucus (ICMEAA), improved First Nations representation on its key Section Committees, and has provided support for the launch of the National Aboriginal Press Club.

Collins said: "Although these are critical steps, to properly acknowledge history and open ourselves up to overdue change, the union's principal governing body, Federal Council committed to the development of a Reconciliation Action Plan (RAP). This RAP represents both a solidification of our efforts to date and critically, the new steps we will take to engage and represent our First Nations members. These steps include education of union staff, changes to union protocols and practices in how we do business and measuring the progress we make," Collins said.

A RAP Working Group was established to steer the implementation of the RAP and ensure MEAA enacts its commitments. The RAP will be in operation for 12 months to June 30, 2022, when a more detailed RAP will come into operation with extended commitments in areas of operation and community engagement.

"This RAP sets tangible goals and obliges the union to think about the way it carries out its work and how we can make changes to further respect the reconciliation process and extend our appeal to First Australians working in the four areas of work we represent," MEAA said.

MEAA continues to encourage journalists to study the Media Diversity Australia's *Handbook on reporting on Aboriginal and Torres Strait Islander Peoples and Issues* which is to assist newsrooms covering Indigenous affairs and includes a contacts list. MEAA also reminds its members to report ethically on First Nations people and communities.

DIVERSITY IN THE NEWSROOM

MEAA has begun inserting diversity clauses in the enterprise agreements being negotiated between MEAA members and their employers. To date, diversity clauses have been included in agreements with The Guardian and The Conversation and negotiations are underway at Nine Publishing.



Jon Candy, via Flickr, Creative Commons

MEAA has also worked with Media Diversity Australia (MDA), a national not-for-profit organisation led by journalists and media professionals. Established in 2017, MDA champions cultural diversity in Australian journalism and news media.

In the 2021 press freedom report, MEAA acknowledged a report produced by Media Diversity Australia, *Who Gets to Tell Australian Stories*, that showed there is still a long way to go before the people reporting and presenting news and television is representative of the broader Australian population. The report found that just six per cent of television news and current affairs reporters have a non-European background.

MEAA provided funding for the project, which was conducted over 12 months by researchers from four universities. The final report was released on August 17, 2020. It confirmed that Australian television news is still dominated by white, Anglo-Celtic faces. Key findings included:

- Seventy-five per cent of presenters, commentators and reporters have an Anglo-Celtic background while only 4.7 per cent have a non-European background and 1.2 per cent are Indigenous, as measured by frequency of appearance on screen in news and current affairs broadcasts.
- In a survey of 300 television journalists, more than 70 per cent rated the representation of culturally diverse men and women in the media industry as either poor or very poor.

- Seventy-seven per cent of respondents with culturally diverse backgrounds believe their backgrounds are a barrier to career progression.
- One hundred per cent of free-to-air television national news directors have an Anglo-Celtic background (and they are all male), and 35 out of 39 board members of Australian free-to-air television are Anglo-Celtic.

MEAA Media said: “This report tells us that opportunities in journalism for people from a non-European or Indigenous background are far less than for people from an Anglo-Celtic background. Twenty-four per cent of the Australian population is either from a non-European or Indigenous background, but the proportion of television news reporters or presenters is half that. If not for the existence of SBS/NITV, these figures would be even worse.

“In a modern, culturally and racially diverse Australia, those who interpret or report the news should reflect those they are reporting on and those who watch their bulletins. Australian television networks are seriously letting down their audiences by not having more diverse talent on screen. This results in reporting about sensitive issues involving race and religion being filtered through a single, white Anglo-Saxon perspective, consciously or unconsciously reinforcing misunderstandings, stereotypes and prejudices.

The MDA report contained several practical recommendations that would make inroads on the lack of diversity at

little or no financial cost to television networks.¹⁴⁵

REPORTING DISABILITY

In November 2021, Media Diversity Australia released its *Disability Reporting Handbook* to assist journalists report on various communities with disability.¹⁴⁴ The handbook was produced by a team of media professionals with experience of living with disability, in collaboration with peak disabled people’s organisations and diversity advocates. “In designing and writing this handbook, we made sure we lived by the golden rule: nothing about us without us.”

The Disability Discrimination Commissioner, Dr Ben Gauntlett, writing in the foreword to the handbook, said; “The portrayal of people with disability in the media is critical to ensuring people with disability are included in society now and in the future. People with disability are diverse and the nature of disability is diverse too. However, in a time poor society where there is variable knowledge about people with disability, it can be easy to overlook the importance of language, imagery and storytelling.

“Journalists can change lives by asking questions that enable issues of concern to be brought to the foreground of public debate. They can also change lives by carefully reporting on issues in an inclusive manner. How a person is referred to in a story, or dealt with in collating and researching a story, matters.

“Similarly, the willingness of members of the media to actively look for stories concerning people with disability is important. Investigative journalism based on rigorous research has led to many changes in disability policy.

“At a time of great policy upheaval and potential change, it is imperative that journalists engage with issues of concern for people with disability and their friends and family. Interviewing people with disability can give great insights in a story and needs to be encouraged. The *Disability Reporting Handbook* will hopefully make reporting on disability related issues more prevalent,” Gauntlett wrote.

Media ownership

SENATE INQUIRY

On November 11, 2020, the Senate referred an inquiry into the state of media diversity, independence and reliability in Australia to the Senate Environment and Communications References Committee. The inquiry had been sparked by a strong community push to examine the issue of media diversity.

It should be noted that MEAA has a long-standing concern over the concentration of media ownership in Australia which has been exacerbated by mergers and acquisitions by the largest media organisations. In the first MEAA report into the state of press freedom issued in 2005, MEAA said: “When it comes to media ownership, government policy should have one goal: to protect and promote diversity... The experience in both Australia and overseas suggests that diversity of opinion, comment and

news sources only results from diversity of ownership.”¹⁴⁵

As a result of mergers and acquisitions, plus the deleterious effects of digital transformation on the media industry generally, media businesses have made massive cutbacks. Redundancies have savaged newsrooms, seeing the most experienced journalists leave and forcing those that remain to have their workloads massively increased – a fact worsened by the constant demands of digital deadlines and a decline in available resources as media outlets constantly seek savings. The digital transformation has also seen a decline in revenues as the available news audience fragments; and as audiences drift elsewhere, leading to falls in circulation and subscription income. And because audiences have shifted, advertising and the revenue that goes with it has had to follow.

With news media struggling and the industry becoming increasingly concentrated, there are the inevitable closures of businesses, reductions in services and a decline in the resources available to cover various news rounds. Rural and regional communities have been particularly hard hit by the loss of their local media outlets.

A HANDFUL OF PLAYERS

News Corporation is the dominant newspaper publisher in Australia. A detailed study by RMIT ABC Fact Check, released in April-May 2021 examined the breadth and popularity of News Corporation Australia’s media outlets, relative to their competitors.¹⁴⁶ The study examined “reach” which it defined as the number of unique individuals who, for example, visited a website, watched a television channel or read a newspaper during a given period. The study utilised viewer and readership

HERE'S FIVE WAYS TO IMPROVE MEDIA DIVERSITY IN AUSTRALIA

- 1 TIGHTEN COMPETITION RULES TO PREVENT MORE MERGERS.**
- 2 MAKE GOOGLE AND FACEBOOK PAY FOR CONTENT.**
- 3 EXTEND THE PUBLIC INTEREST NEWS GATHERING PROGRAM AND PROVIDE FUNDING TO HELP MEDIA STARTUPS .**
- 4 FUND PUBLIC BROADCASTING BETTER AND SUSTAIN AAP THROUGH ANNUAL GRANTS.**
- 5 CREATE A SINGLE ENTITY TO STRENGTHEN REGULATION OF MEDIA CONTENT.**



PRESS FREEDOM IN AUSTRALIA



data for print, digital (including social media), television and radio from various sources, including survey organisations Roy Morgan and Nielsen.

According to the RMIT ABC Fact Check study: “At the last count, in 2016, [News Corporation Australia’s] share of circulation among national and capital city dailies was 65 per cent, and likely similar for regional papers. More recent data for December 2020 shows that print papers owned by News Corp commanded more than twice the total audience of those owned by [Nine Publishing].

“After deciding to turn many of its local papers into digital-only publications or cut them entirely, News Corp was publishing fewer than 20 hardcopy newspapers in early 2021 (and roughly 85 digital-only titles). The company owns seven of Australia’s 12 national or capital city dailies (58 per cent), a figure which, for simplicity’s sake, excludes weekend papers. In four capitals — Adelaide, Brisbane, Darwin and Hobart — News Corp’s papers face no local print rival.”

The rise of news on digital platforms has transformed the way audiences consume news. The Fact Check, looking at internet news operations, said: “Nine’s biggest traditional mastheads are individually more popular than those of News Corp. Measured by monthly readers, the combined reach of News Corp’s hardcopy and digital newspapers is only around seven per cent larger than Nine’s, despite owning twice the number of titles.

News Corp’s website news.com.au “ranks second to the ABC for monthly visitors, and its traditional newspaper brands are outperformed by digital-only offerings such as nine.com.au and Daily Mail online. In December 2020, News Corp’s news websites collectively reached 1.2 million fewer readers than those owned by Nine,” the study said.

In terms of News Corp’s television outlet, Sky News Australia, “attracts a significantly smaller audience than ABC News, the nation’s only other 24-hour news channel. And, according to one survey, the number of people who got their news from Sky was roughly a third

that of either Channel Seven or Channel Nine.

“On social media, however, Sky has an outsized audience. In the second half of 2020, its Facebook posts were shared more often than any of the 65 accounts analysed by Fact Check, while news.com.au placed third, behind Daily Mail. On YouTube, its subscriber base far exceeds that of Channel 7 and Channel 9 and by March 2021 had surpassed ABC News, while its videos receive millions more views per month.

“Importantly, it is likely that a significant chunk of Sky’s YouTube traffic comes from overseas, given reports that nearly a third of its website traffic comes from outside Australia.”

CONCENTRATED MEDIA OWNERSHIP

MEAA remains concerned that the concentration of ownership in the hands of a few giant media corporations (when competitors and emerging businesses struggle to gain viable audience reach) represents a critical lack of genuine media diversity.

This is a press freedom issue in that it not only starves audiences of news and information because there are fewer journalists on the ground, but when only a handful of media outlets are available to report, there is less scrutiny of important issues. Worse still, when the conglomerates are finding business difficult, their cutbacks, redundancies and closures only exacerbate the problem. Fewer choices mean fewer voices.

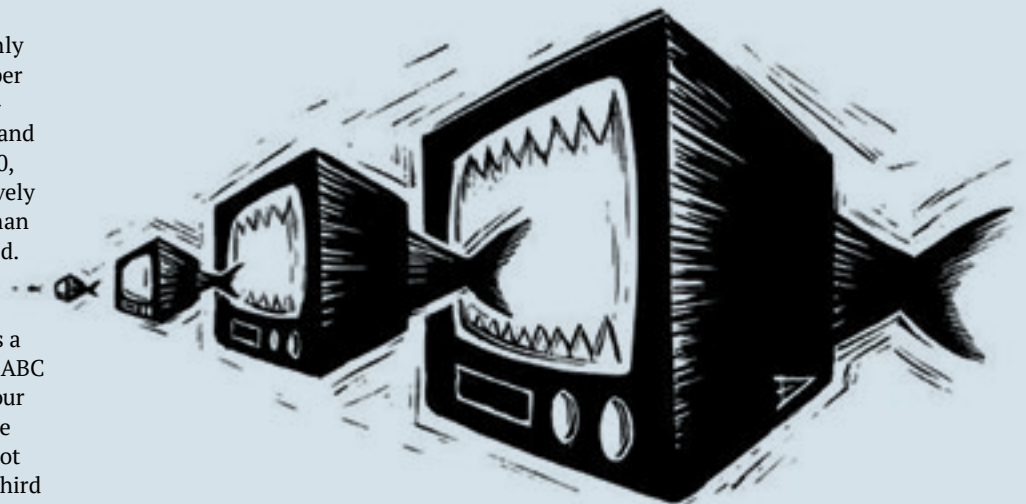
MEAA’s concerns were realised in 2020–2021 as regional media was overwhelmed by the COVID-19 pandemic. The regional crisis led to hundreds of journalism jobs being lost as media businesses shuttered or closed never to reopen. (See the chapter examining the crisis in regional journalism.)

As the concentration of media ownership has quickened there is a perception that media organisations have become polarised in their news presentation.

It is this issue that was a spark for the Senate Environment and Communications References Committee’s Media diversity in Australia inquiry. The inquiry’s terms of reference charged it with examining the state of media diversity, independence and reliability in Australia and the impact that this has on public interest journalism and democracy.¹⁴⁷

MEAA’S SUBMISSION

In preparation for making its submission to the Senate inquiry, MEAA conducted a survey of its Media section members. The survey was completed by 349 participants and on December 15, 2020, MEAA announced the findings. “There is deep concern among working journalists about the high level of concentration of ownership of Australia’s media, and the impact that is having on diversity of voices, employment opportunities and the decline of trust in journalism.”



But the majority have experienced some form of pressure, albeit it sometimes rare, to edit or self-censor their work to comply with the interests of their employer.

“Along with the concerns about concentration of ownership, those surveyed identified the MEAA *Journalist Code of Ethics*¹⁴⁸ as having an important role to play in restoring trust in journalism but had a low regard for the Australian Press Council and the Australian Communications and Media Authority.

“The level of concentration of Australian media ownership was clearly the issue of most concern for survey participants, with 26.9 per cent ranking it as the most important issue, followed by funding for public broadcasting (19.8 per cent), the state of local, regional and rural media (13.2 per cent), and public trust in responsible journalism (12.9 per cent). More than 92 per cent of respondents agreed or strongly agreed with the statement that Australia’s media ownership is too highly concentrated, and a similar amount (94% per cent) agreed or strongly agreed that this was bad for democracy.

MEAA commented: “Despite great hopes that the internet would see a democratisation of the media and a diversity of media voices, the opposite has happened. We are seeing mergers, partnerships and consolidations that all amount to fewer voices, not more. Small, independent players have no hope.”

As one survey respondent commented: “Large corporate media organisations have little or no concern for smaller communities, their news and views and most importantly the relationship between the community and the local medias [*sic*] and its importance in day-to-day event reporting and the community’s history past present and future.”

Eighty-six per cent agreed/strongly agreed that the small number of media owners gave them too much influence over government decision-makers, and 85.7% agreed/strongly agreed that the highly concentrated media ownership

was a factor in consumers and the public losing trust in journalism.

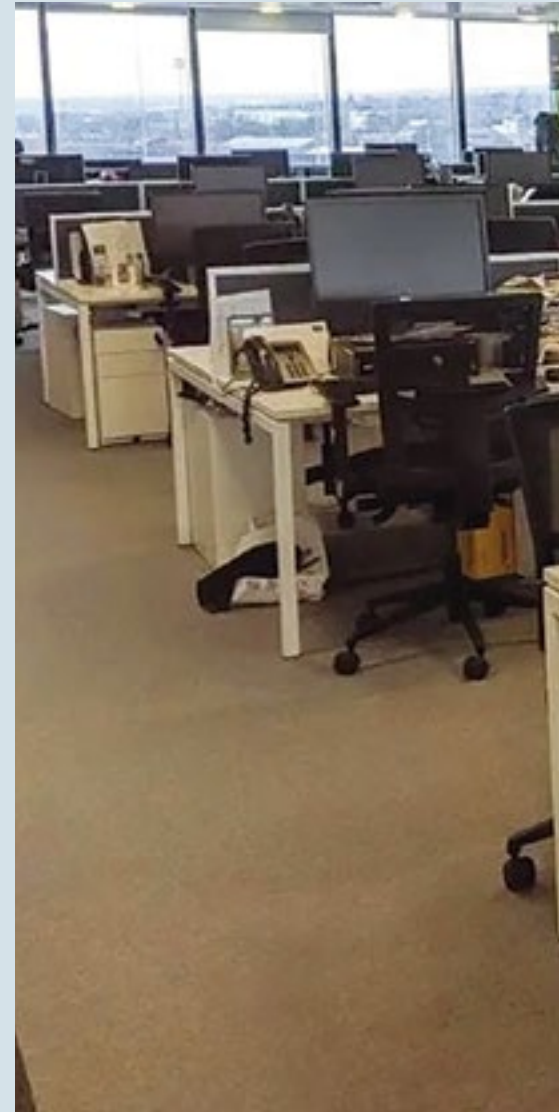
Almost 31 per cent of respondents said they had sometimes felt the need to edit or self-censor an article because of the commercial or editorial expectations of their outlet’s publisher/owner. But 32.4 per cent said they had never needed to edit or self-censor and 26.4% said this was rare.¹⁴⁹

MEAA sought to address the survey respondents’ concerns. In its written submission to the Senate inquiry, MEAA called for the government to:

- “Amend competition and other laws to prevent mergers that lead to more harmful levels of media concentration.
- The Australian Government must urgently progress the Mandatory News Media Bargaining Code and extend the operation of the Public Interest News Gathering program.
- The Australian Government should review and adapt critical measures recommended in the UK and Canada such as: directly funding local news; offering taxation rebates and incentives; and part-funding editorial positions.
- Government assistance should be reset to ensure funding is available for new media organisations, as well as traditional media companies.
- Public Broadcasters must be funded in a way that acknowledges the need to provide comprehensive, high-quality cross-platform media content in all parts of Australia.
- AAP’s future should be sustained through regular, annual relief grants.
- Regulation of media content should be strengthened and overseen by a single entity.¹⁵⁰

On March 12, 2021, MEAA made additional comments by appearing at a public hearing of the inquiry. MEAA told the committee: “The current state of Australia’s media is unsustainable. There are too few voices and too much power is vested in these voices.

“New and credible ways of supporting the old media and the new media must be found in order to preserve the



health and transparency of Australia’s democracy. Concentration of ownership, market failures and the grinding down of public broadcasters have combined to put our media sector in an extremely perilous place at a time when quality, reliable content is needed more than ever.”

MEAA noted that:

- media reforms over the past five years worsened the state of media diversity,
- journalism jobs continued to be lost in great numbers despite an appetite for Australian news content,
- coverage of critical areas of civic and commercial affairs continues to fall,
- the effectiveness of the News Bargaining Code is unknown, and
- notwithstanding the success or otherwise of the Bargaining Code, there are no evident support



measures for small to medium or new media providers.

MEAA said the economic foundations of the Australian news media sector have been under challenge for some time. The efforts to address these challenges have concentrated on the survival of existing media organisations. Although MEAA strongly supported these measures, focusing on that alone would simply see diminishing returns over time. “We are concerned that unless there is a clear policy reset, journalist numbers will continue to slide.”

MEAA’s analysis over several years indicates that there are now fewer than 10,000 recognised journalists serving Australian consumers. “We believe their number has fallen by around 5,000 in the last decade.”

The impact is being felt everywhere, but most recently and pointedly in the

regions and in the bush. “Along the way, we have seen critical areas of public interest – where journalism pricks and preserves public interest – like courts coverage, local council and corporate malfeasance – be taken out of play.”

To ensure quality and reliability across media, MEAA advocated for the establishment of a new and effective single regulator of media content, where community concerns are fairly adjudicated and where penalties are taken seriously.

“We have drawn the Committee’s attention to reforms in Canada and the UK. They are on a path to sustaining journalism and creating opportunities for new players and for those now battling to stay afloat... Australia will continue to fail the media diversity test if new players – small and large – find the barriers to entry too great, MEAA said.¹⁵¹

THE INQUIRY’S REPORT

On December 9, 2021, the inquiry tabled its report. The committee’s findings were split along party lines. Labor and the Greens sought a judicial inquiry that would have the powers of a royal commission to examine media diversity, ownership and regulation in Australia. Their majority report found that “the current regulatory framework is not fit for purpose and significant changes are required”.¹⁵² “A judicial inquiry would have the capacity for a more comprehensive investigation, including compelling witnesses to give evidence, than can be undertaken by a parliamentary committee. Such an inquiry would also be conducted at arm’s length of all politicians to allow an independent investigation into media regulation and ownership.”

A dissenting report did not support a further inquiry.

Pay equity

The International Federation of Journalists (IFJ) has this to say about journalists' wages: "There can be no press freedom if journalists exist in conditions of corruption, poverty or fear." When it comes to journalists' pay, the ongoing disparity between the pay of males and females is a press freedom issue.

Australian businesses continue to be highly segregated when it comes to pay. On February 11, 2022, the Australian Government's Workplace Gender Equality Agency (WGEA), released its annual gender equality scorecard report based on its 2020-21 employer census.¹⁵³ The census represented pay rates for more than four million employees across Australia in the financial year 2020-2021 – nearly 40 per cent of Australia's total labour force.

The scorecard covered the initial impact of the COVID-19 pandemic through to June 2021 – before the second wave of COVID infections struck – so the results were drawn when only the modest recovery in economic and employment conditions were emerging in all states except for Victoria.

The agency reported: "The 2020-21 data shows that industries and occupations, as well as working patterns, continue to be highly gender segregated. Women bore some of the greatest impacts during the pandemic... Women also dominate precarious employment, comprising 57 per cent of the casual workforce." Only two out of five full-time employees are women.

THE GAP

All industries in Australia have a pay gap that favours men.

The agency's gender pay gap calculation is based on the total remuneration for all workers including the full-time equivalent of part-time and casual employees, and includes

superannuation, bonuses and other additional payments, but excludes chief executive officers and heads of business' salaries, and employees who were furloughed during the year of the census.

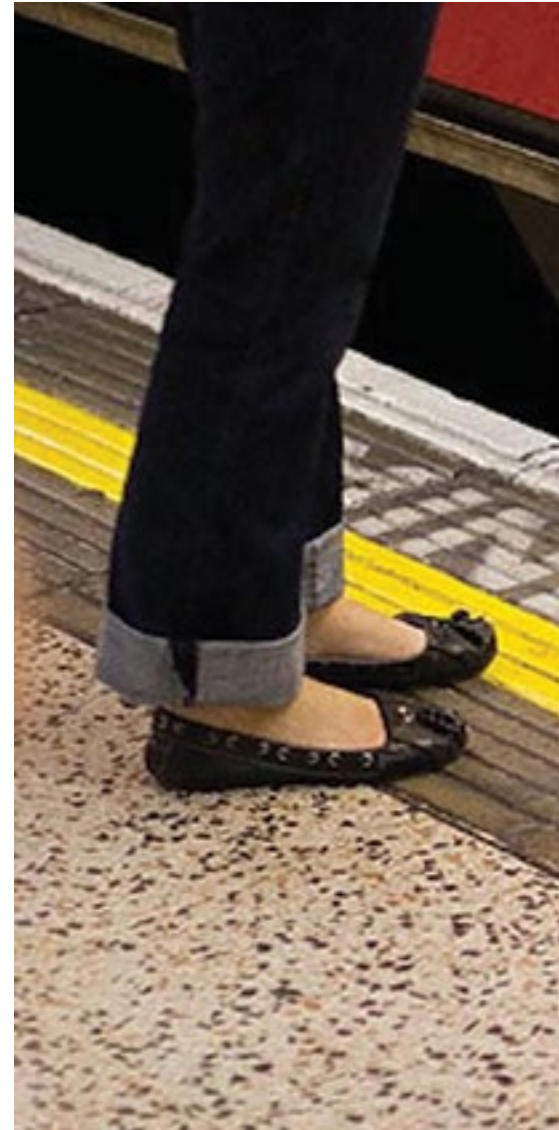
Across all industries, the gender pay gap reduced only modestly in 2020-2021. Although the gap has narrowed since reporting began, with the gap now at its lowest since WGEA started collecting data in 2013-14, there is still a substantial gap.

The 2020-2021 report's gender pay gap calculation across all industries equates to men earning, on average, \$25,792 more than women. That represents a gap between the pay of men and women of 22.8 per cent, which is down only 0.5 percentage points from the previous year's scorecard.

For media industry workers, the information media and technology industry's pay gap was 18.5 per cent, down from 23.4 per cent in 2019-2020 (in 2014-2015, it was 25.8 per cent (27.5 per cent for all industries).

The information media and technology industry employs 38.2 per cent women and 61.6 per cent men; 39.2 per cent of non-managerial positions are held by women compared with 60.2 per cent by men. Management positions are dominated by men, 66.2 per cent whereas women make up 33.8 per cent of management in the industry.

Some 84.1 per cent of media industry employers had a recruitment gender equality policy or strategy, which is lagging the all-industry response of 86.3 per cent. That compares poorly with the 2014-2015 survey result, when the industry had reported 72.9 per cent of employers had a policy or a strategy, significantly ahead of the all-industry response of 65.5 per cent.



The industry is making some steps to analyse the gender pay gap problem. The agency reports that 63 per cent of information media and technology organisations have conducted pay gap analysis with 70 per cent taking some form of action afterwards.

The agency also found that there has been a large increase in the proportion of organisations with policies and practices on gender equality and policies that focus on eliminating gender bias from employment processes, including recruitment and promotion.

However, the agency found that only half of the reporting organisations have consulted with employees on gender equality issues. This has remained consistent since 2014. "Ongoing consultation helps organisations understand any emerging needs and



priorities of employees and generates practical ideas and solutions. Findings from consultations should inform policies and strategies and generate positive change in workplaces.

PARENTAL LEAVE

MEAA has been working to ensure the incorporation of superior parental leave policies into the enterprise bargaining agreements.

The agency's survey found that three in five employers (60 per cent) in the 2020-21 census offered access to employer-funded paid parental leave (either to both women and men or to women only), in addition to the government scheme. "However, access to parental leave continues to be highly dependent on the size and industry of the employer... The average length of primary carer's leave is 10.8 weeks The average length of secondary carer's leave is 2.3 weeks."

Most employers offer paid parental leave regardless of gender with 91 per cent of the surveyed organisations providing primary carer's leave making no distinction between women or men taking that leave, with the balance of 9 per cent of organisations providing primary carer's leave to women only.

However, in the information media and technology industry 73 per cent of organisations offered paid primary carer's leave (either to men and women or to women only). That's an increase of 17 per centage points since the initial 2013-2014 survey.

HARASSMENT, DISCRIMINATION, VIOLENCE POLICIES

The agency found organisations are continuing to focus on preventing sex-based harassment and discrimination.

It reported: "Ninety-eight per cent of businesses surveyed have policies and/or strategies in place targeting sexual harassment; and 96 per cent have specific discrimination and harassment grievance processes established.

"Almost nine in 10 organisations have training available for the prevention of sex-based harassment and discrimination for all employees, including managers."

The WGEA survey found that, of the organisations included in the census, 100 per cent of information media and technology organisations reported that they had some measure in place to support employees who are experiencing family or domestic violence but only 70.1 per cent had a formal policy or formal strategy to support employees experiencing family or domestic violence.



Shield laws

For more than 20 years MEAA has been campaigning for a uniform national shield law that protects journalist privilege.

Journalists the world over have a professional standard to never reveal the identity of a confidential source. MEAA's *Journalist Code of Ethics*, which is a requirement on every MEAA Media member, enforces this principle: "3. Aim to attribute information to its source. Where a source seeks anonymity, do not agree without first considering the source's motives and any alternative attributable source. *Where confidences are accepted, respect them in all circumstances.*"¹⁵⁴ Journalists in Australia have faced fines and gone to jail for maintaining that ethical obligation.

It has taken those 20 years of campaigning for each state and territory to develop legislation for a shield to exist to protect journalists from being punished for maintaining that obligation.

Only Queensland, which has long been a laggard, is still developing legislation and only after the Queensland government was forced retreat from its decades of obduracy.

Despite this, Australia's array of different shield laws across its jurisdictions still threatens journalists with fines or jail terms for contempt. As Curtin University's Dr Joseph M Fernandez quoted in the 2021 MEAA press freedom report: regarding the differing shield laws across the country, "..., as one law professor observed, the protections are of the 'Swiss-cheese

variety' and 'what the left hand gives to the journalist, the right hand takes away'.¹⁵⁵

Fernandez said: "The shield law framework is full of holes and has not provided the panacea journalists hoped for. Australian shield law needs a shake-up that takes into account not merely the factors directly connected with the journalist privilege (the need for clarity and uniformity), but one that also fixes associated problems (inadequate free speech protections; freedom of information laws that actually deliver; stronger protections for whistleblowing and other public interest disclosures, and proper checks on laws and enforcement processes that interfere with the privilege."

This mess of shield laws has been addressed by politicians but, as yet no action has been taken. In 2019, the then Attorney-General Christian Porter requested the Parliamentary Joint Committee on Intelligence and Security inquire about several press freedom issues that had arisen from the AFP raids.

MEAA joined with the media industry's Australia's Right To Know (ARTK) press freedom lobbying group's submission¹⁵⁶ to the inquiry and appeared¹⁵⁷ at the inquiry's public hearings.

The inquiry delivered its report¹⁵⁸ in August 2020. It made a crucial recommendation for the future of shield laws in Australia: "Recommendation 15 - The Committee recommends that the Australian Government promote consideration of harmonisation of State and Territory shield laws through National Cabinet, with relevant updates

incorporated to expand public interest considerations, and to reflect the shifting digital media landscape."

That same month Queensland's shield law reversal came after the government had proposed legislation that would impose jail or fines on journalists for reporting on corruption allegations made to the Crime and Corruption Commission during a state election. It also came amid court proceedings against "Journalist F" who is maintaining the ethical obligation to never reveal the identity of a confidential source.

Following determined campaigning by Queensland journalists and MEAA, via a petition signed by more than 440 Queensland journalists and MEAA Media members, the then Attorney-General Yvette D'Ath said the proposed legislation would be withdrawn.¹⁵⁹

The Queensland journalists' petition went to the heart of why journalist privilege is essential and why it must be protected by a shield law. It said: "Queensland is the only state or territory left which doesn't give legal protection to journalists for refusing to name their sources.

"A Queensland journalist [Journalist F] faces further court action for protecting a confidential source right now. The protection of sources is a fundamental responsibility for ethical journalism. Without this protection, whistleblowers and other sources would be more reluctant to provide to journalists with information, which is critical for the public's right to know, to shine a light on injustices and to hold governments and powerful interests to account.

Queensland
Attorney-General
Shannon Fentiman



Consequently, our democracy would be diminished.

“Shield laws allow a journalist to claim legal privilege in order to protect a confidential source. This privilege may be waived if a judicial officer is satisfied that it is in the public interest to do so. Every other state and territory, and the Commonwealth, has enacted shield laws, but successive Queensland governments from both sides of politics have refused to do so... Without a shield, journalists are exposed to prosecution for contempt if they won’t reveal their sources.

MEAA added its explanation of the crucial need for a uniform national shield law regime. “Because of borderless digital publishing, journalists right across Australia are vulnerable to legal actions being brought against them in Queensland. They face a

criminal conviction, jail or fines for ensuring the public’s right to know.

“It’s crucial that a Queensland shield law provides comprehensive protection without loopholes. It’s concerning that there are substantial differences in coverage among the different shield laws across Australia. That’s why MEAA has been campaigning for a uniform regime that ensures no judicial system is out of step, allowing it to be exploited by plaintiffs who go ‘jurisdiction shopping’.

However, despite the promise of a shield law, the “Journalist F” case continues to imperil one journalist facing contempt of court proceedings for refusing to identify a confidential source.

MEAA highlighted these concerns when responding to the Queensland Justice and Attorney-General’s Department

discussion paper, *Shield laws to protect journalists’ confidential sources*. “It is a requirement of membership that all journalist members of the Media section of MEAA are bound by MEAA’s *Journalist Code of Ethics*.

“As the Paper notes, clause 3 of the MEAA Code requires members to: “Aim to attribute information to its source. Where a source seeks anonymity, do not agree without first considering the source’s motives and any alternative attributable source. Where confidences are accepted, respect them in all circumstances.”

“... the [Discussion] Paper raises the issue of creating a shield law that offers absolute or qualified privilege for journalists. MEAA urges that on this issue, consideration is given to noting the obligation to never break a confidence that exists under the MEAA

Code. Our members have an absolute requirement placed upon them.

“It is the numerous examples of where journalists have been placed in jeopardy when upholding the profession’s ethics that has led to the need for shield laws, which is why this obligation must be matched in Queensland’s proposed shield law by enshrining absolute privilege for journalists.”

On September 29, 2021, the Australia’s Right to Know industry lobbying group (of which MEAA is a member) responded to the Government’s Consultation Draft of the *Evidence and Other Legislation Amendment Bill 2021*. While ARTK commended the Queensland government for its work towards enacting a journalist’s shield, it expressed concern and disappointment that the shield is not intended apply to the Queensland Crime and Corruption Commission (CCC).

“The recent proceedings concerning “F” demonstrate how badly needed the privilege is both generally and specifically in relation to the CCC. If the shield does not apply to that body, journalists continue to risk being fined or jailed simply for doing their jobs. With such an even division outside Queensland we would urge the Department to revisit this issue and let the privilege do its work in relation to the CCC.”

On February 13, 2022, *The Australian* reported: “Journalists hauled before coercive corruption watchdog hearings will continue to face threats of prison time if they do not reveal whistleblower sources after a Queensland parliamentary committee ignored calls to strengthen protections.”¹⁶⁰

“The Palaszczuk government’s shield law Bill, expected to be debated and passed early this year, will protect journalists from revealing sources in court but will not extend the privilege to secretive coercive hearings by the Crime and Corruption Commission... Under its sweeping powers, the CCC can compel witnesses to answer questions and produce documents which may override the privilege against self-incrimination... Attorney-General Shannon Fentiman has said the government would consider extending

the shield to CCC hearings this year in separate legislation.

In February 2022, it was revealed¹⁶¹ that the Queensland Department of Justice and Attorney-General released the findings of an online survey it had conducted. The survey had just 18 respondents, all of whom were individual community members, and 16 written submissions were received from a wide range of stakeholders. The results of the survey were contained in the department’s report, *Results of consultation - Shield laws discussion paper - Shielding confidential sources: balancing the public’s right to know and the court’s need to know*.¹⁶²

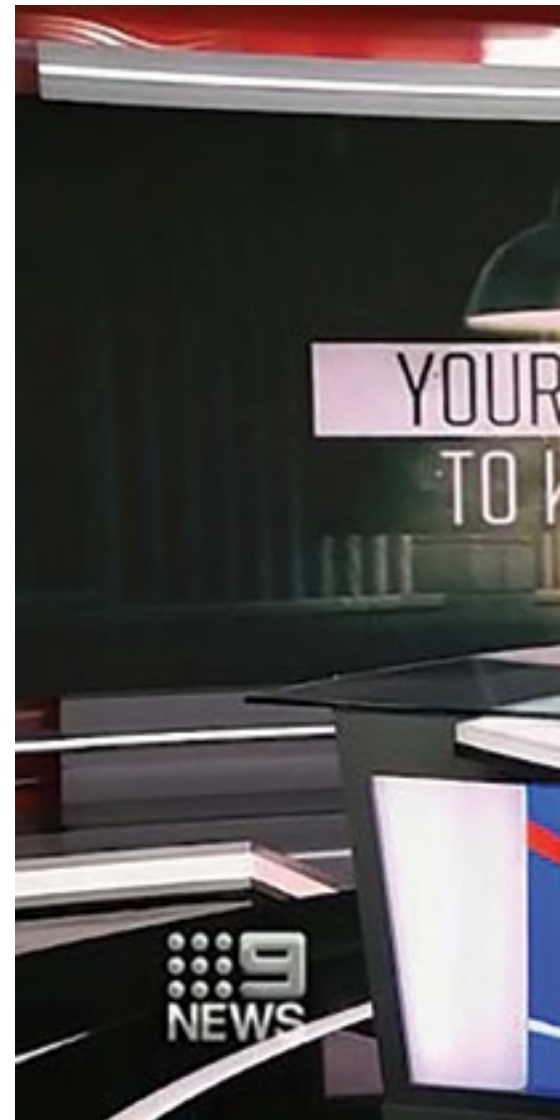
The *Australian* reported: “On Friday [February 13, 2022], the Labor-dominated parliamentary committee reviewing the draft laws dismissed calls from lawyers and journalists to extend the protection to CCC hearings. Under its sweeping powers, the CCC can compel witnesses to answer questions and produce documents which may override the privilege against self-incrimination. The committee, made up of three Labor MPs, two Liberal Nationals and one independent, noted 94 per cent of respondents to a government survey, which assessed the public’s right to know and the court’s need to know, supported shield laws applying to the CCC.”¹⁶³

THE JOURNALIST “F” CASE

Nine News in Brisbane reported on the issue of Journalist “F” in its nightly news on February 19, 2021. “In 2018 [Journalist “F”] received a confidential tip from a source that led to a television crew attending an address and filming a murder arrest. The CCC launched an investigation into whether a police officer had disclosed information without lawful authority, calling Journalist “F” as a witness. Under oath, he was asked to reveal the name of his confidential source but refused, unwilling to breach journalistic ethics.”

The *Australian* reported: “The journalist could now be hauled back before the CCC and threatened with a \$26,690 fine or five years in prison if he continues to refuse to answer questions.”¹⁶⁴

The ABC’s Media Watch program reported on the Journalist “F” case on



March 15, 2021. Noting that a journalist was facing the threat of jail unless he reveals a confidential source, the program said: “So, who is this journalist fighting to stay out of prison? Well, we can’t tell you, because his name is suppressed. The court calls him merely ‘F’. Where does he work? We can’t tell you that either, only that it is for a TV network in Queensland. And what was the story that landed him in the dock? Again, we’re not allowed to say. Incredible, really.”¹⁶⁵

“[Journalist] ethics are a serious matter for journalists, whom whistleblowers need to know they can trust with confidential information. And last year, in the Supreme Court of Queensland, Journalist F’s lawyers argued strenuously that he should not be forced to disclose his source’s identity. But Justice David Jackson offered little or no sympathy for that position: ‘... it is difficult to



understand why or how it is unfair to ask the applicant the sources of information ... in a corruption investigation into those disclosures ... a journalist's claim of so-called 'privilege' against revealing confidential sources of information is not protected by any general doctrine of 'public interest immunity'. In other words, Queensland law gives the media no special protection."¹⁶⁶

"Journalist F's case is now before the appeals court. And, guess what, it's being heard behind closed doors so the media can't report it. And why is that? Because, under the *Crime and Corruption Act*, all hearings are secret. Amazing, eh? Journalist F's chances of overturning the ruling that he must reveal his sources also appear slim," Media Watch said.

Journalist "F" appealed the decision. However, on November 12, 2021,

he lost his appeal. MEAA expressed great concern, saying the decision highlights the inadequacies of Queensland's approach to, and delayed acknowledgement of, the need for a journalist shield law.¹⁶⁷

"This decision places a journalist at risk because Queensland has been slow to accept that journalists must not be prosecuted for doing their job. It's a principle known around the world that journalists can never reveal the identity of a confidential source. Every legal jurisdiction in Australia has introduced laws that shield journalists from prosecution for maintaining that ethical obligation – every Australian jurisdiction except Queensland. Now journalist 'F' looks as if he will pay the price."

"It is crucial that the Queensland Government's proposed shield law includes protections for journalists

reporting on crime and corruption."

MEAA added: "There are variations in shield laws across Australia's jurisdictions and it's vital Queensland retains the Crime and Corruption Commission within the scope of its proposed law. Otherwise, how are the powerful to be held to account?"

"Australia needs a uniform national shield law regime that guarantees no journalist goes to jail for reporting the truth.

"Journalists don't get to choose; they have to protect their confidential sources' identity in all circumstances.

"If we believe in open democracy then public interest journalism must be able to scrutinise the powerful and uphold the community's right to know what our governments do in our name," MEAA said.



Whistleblower protection

On November 11, 2021, the Assistant Attorney-General Senator Amanda Stoker told the 3rd Australian National Whistleblowing Symposium that the Morrison Government plans to strengthen support and protections for disclosers and to bring the public sector scheme into line with the private sector regime.¹⁶⁸

Improved whistleblower protection has been a key demand sought by MEAA for more than 20 years and has featured heavily in each year's press freedom report. The issue has often come into prominence, notably over three trials that are currently ongoing – Bernard Collaery over his legal advice to a whistleblower regarding Australia bugging the Cabinet rooms of the Timor-Leste government, Richard Boyle in a case involving the Australian Taxation Office and David McBride involving allegations that the Australian Defence Force engaged in war crimes in Afghanistan.

All these whistleblower accusations are true, but the whistleblowers behind them have been or are still being pursued for truth-telling years after the matters became public knowledge.

Whistleblowers come to journalists to tell their truths usually only after having exhausted other avenues. They do so, therefore, after great frustration and great risk. Journalists tell their truths in the public interest. In circumstance where the whistleblowing involves politicians, government departments or agencies, the whistleblower and the journalist are ensuring the public's right to know what our governments are doing in our name.

In the absence of anti-corruption bodies, or because existing anti-corruption

bodies like to exercise “star chamber” powers, the role of the whistleblower is still regarded as an act of betrayal rather than one of good citizenship. That means that where a whistleblower has not been identified in the journalism that told their story, governments and their agencies will then go after the journalist to identify their source.

It is recognised the world over that journalist will never reveal the identity of a confidential source. That principle of telling the truth in and the public interest is enshrined in MEAA's Journalist Code of Ethics: “Clause 3. Aim to attribute information to its source. Where a source seeks anonymity, do not agree without first considering the source's motives and any alternative attributable source. *Where confidences are accepted, respect them in all circumstances.*”

Because it is known that journalists will not reveal the identity of a confidential source government agencies will then resort to other means to go after the whistleblower. This includes the use of a Journalist Information Warrant, to secretly search the telecommunication data of the journalist and their media employer for a single legislated purpose: to identify their source.

Another method, used in June 2019, was to raid the Canberra home of a News Corporation journalist and the headquarters of the Australian Broadcasting Corporation. The explosion of condemnation over these raids, not only in Australia but around the world, led to the media industry launching a campaign for press freedom.¹⁶⁹ The campaign, Your Right to Know, was created by the media industry lobbying group of media outlets: Australia's Right To Know – of which MEAA is a member.¹⁷⁰

The campaign called for six reforms:

1. The right to contest the application for warrants for journalists and media organisations.
2. Exemptions for journalists from laws that would put them in jail for doing their jobs, including security laws enacted over the last seven years.
3. Public sector whistle-blowers must be adequately protected – the current law needs to change.
4. A new regime that limits which documents can be stamped secret.
5. A properly functioning freedom of information (FOI) regime; and
6. Defamation law reform.

The government was warned of the failings of Australia's whistleblower laws in the 2016 review by former Integrity Commissioner Philip Moss, but to this point had not acted on his recommendations.¹⁷¹ Stoker, in her address, said the Morrison Government is committed to “strengthening and enhancing” the public sector whistleblowing scheme in the *Public Interest Disclosure Act 2013*.

She said the government had agreed “in full or in part” to 30 of 33 recommendations arising from the Moss Review and was considering going further.

The Moss Review had noted the “unhappy experience of whistleblowers under the Act, with many feeling unsupported”, Stoker said, adding some “contended that their agency had not properly addressed or investigated the conduct reported, while many others reported experiencing reprisals”.

Stoker noted that the Moss Review found that the “bulk of disclosures made under the *Public Interest Disclosure Act* relate to personal employment-



Assistant Attorney-
General Senator
Amanda Stoker | SBS

related grievances, which may be better addressed through other, more appropriate processes”.

The reforms to implement the Moss Review recommendations “will provide greater protections to disclosers and witnesses by imposing additional positive obligations on the heads of agencies to support public officials to make disclosures and to support them during the disclosure process,” Stoker said, adding that “the protections provided to witnesses will put beyond doubt that a witness has the same protections from reprisal, as well as civil, criminal and administrative liability as a discloser.”

Stoker also promised to deliver greater protections for disclosers, with a “mandatory requirement that all investigation reports be provided to the Commonwealth Ombudsman and Inspector-General of Intelligence and Security by an agency head”.

The Morrison Government was also considering “prescribing additional agencies as investigative agencies” which would give disclosers “additional avenues through which to make a disclosure” and which would then utilise investigative agencies’ expertise and the

specialist powers contained in their own legislation to address wrongdoing”.

The reforms would also free up resources and focus on more serious wrongdoing and misconduct by “excluding solely employment-related grievances” from its operation. “Individuals who might feel personally aggrieved by being overlooked for a promotion will no longer be able to use the Act to pursue their grievance,” she told the symposium.

The government also proposed to make it easier for would-be whistleblowers to get legal advice about making a disclosure, she said.

The Morrison Government would also seek reforms to align the public sector model to it in line with the private sector whistleblowing scheme.

Whistleblowers are rarely welcomed in organisations and are often subject to harassment or threats, and at the very least, often have their concerns repeatedly ignored. The same symposium that Stoker spoke to also heard research by Griffith University’s Centre for Governance and Public Policy academics AJ Brown and Jane Olsen. Based on an analysis of 1300

whistleblowing disclosures across 33 organisations, their research showed that more than half of whistleblowers who experienced serious repercussions received no remedy at all, while only six per cent received compensation.¹⁷²

Stoker said that this “lack of support” may “discourage people from reporting public sector wrongdoing.” She proposed that additional reforms could introduce additional measures that might expand protections against reprisal actions by adopting the private sector’s “more expansive definition of ‘detriment, which recognises that harm is not limited to a person’s employment, with other examples including damage to a person’s property, reputation, or business or financial position”.

The government was also considering reversing the burden of proof in civil claims, making it easier for a discloser to prove their claim and to access remedies. There was also consideration of introducing a new ground for relief “where a person with a duty to protect a discloser from detriment fails in that duty”.

Human Rights Law Centre senior lawyer Kieran Pender said the organisation welcomed Stoker’s comments.¹⁷³



“Reform to the *Public Interest Disclosure Act* is long overdue,” he said. “In 2016 the Federal Government was told the PID Act needed an overhaul – five years later, we are still waiting to see draft amendments.”

Pender said reform is “urgent and must be enacted before the next election. Whistleblowers should be protected, not punished – and law reform to make that a reality is more urgent than ever.”

However, the government did not introduce any legislation to the Parliament prior to the 2022 May federal election.

BRITAIN’S POISONED PUBLIC INTEREST DEFENCE

In Britain, In the aftermath of the Chelsea Manning and Edward Snowden cases, and while Julian Assange’s extradition to the US was still wending its way through the British legal system, the UK government considered changing the *Official Secrets Act* to include, among less attractive amendments, a public interest defence for whistleblowing.

While not all the changes were welcome, among the proposals was that a defence would be made available for whistleblowers who disclosed secret evidence of official wrongs could claim that they did so to serve a wider good. However, the defence would not be available for what the government could deem as “unauthorised disclosures” that were not in the public interest.

The Conversation reported on July 22, 2021: “According to the [UK] Home Office, the new legislation is necessary because ‘the existing legislation does not sufficiently capture the discernible and very real threat posed by state threats.’ If passed, this new legislation

has serious consequences for journalism and its ability to hold governments to account. This is because the proposed bill includes a major crackdown on ‘unauthorised disclosures’ or leaks of sensitive information.

“Much hard-hitting investigative journalism is based on such leaks. High-profile examples of stories based on unauthorised disclosures include Edward Snowden’s revelations in 2013 of the activities of US and UK spy agencies, including major global surveillance programmes, in 2013. The leaks led to a broader debate about the role of the state in facilitating mass surveillance.

“...These leaks brought to light important information in the public interest and led to widespread resignations and legislative and policy change,” The Conversation said.¹⁷⁴

The Committee to Protect Journalists (CPJ) said the US government was also being urged to offer a similar proposal.¹⁷⁵ On October 22, 2021, the CPJ wrote “...the UK government is considering changing [the *Official Secrets Act*] to strengthen its grip and make the punishment for defying it even harsher.”

“...the changes... would remove the distinction between spying for foreign adversaries and leaking for public illumination. It would expose both reporters and the whistleblowers they rely on, to penalties previously reserved for espionage, and [would] criminalise the very best journalism.”

Like Britain, a proposed US plan discussed in 2020 had also “tossed a bone” to the media. “It proposed that the law be rewritten to include a public interest

defence. That wouldn’t mean a free pass for whistleblowers. Whether the violation was justified would still be a complicated question: Was the leak limited to the minimum needed to expose the wrongdoing? Were there alternatives to public disclosure that might have led to correctives, and did the informant try to use them? Was the informant seeking personal gain? Did the disclosures harm legitimate state interests?

“So even with a public interest defence available, a case would still have to be made. And a court would have to make a judgment,” the CPJ said.

“Chelsea Manning was sentenced to 37 years without being allowed to even say why she went public with evidence of military and diplomatic criminality. The country’s best news organisations won Pulitzer Prizes for publishing astounding information that, a decade later, Julian Assange is still being sought to stand trial for giving them. Edward Snowden exposed domestic surveillance that was judged illegal and unconstitutional, and if he returns from exile, he will be barred from even pointing that out in his defence.

“This must stop. It is time that the regime of secrecy that has darkened and deepened in the decades since 9/11 is forced to give way to the demands of holding government accountable,” the CPJ said.

It is in the public interest and vital for a healthy functioning democracy for citizens to know what their governments do in their name.

Between the September 2001 terrorist attacks in the US and September 2019, the Australian parliament passed 82 “national security” laws or amendments – one every 6.7 weeks; and there were more in train at that date. The Conversation wrote: “This is a staggering number of laws, and far exceeds the volume in the United Kingdom, Canada and even the United States in response to September 11.”¹⁷⁶

Many of the Australian parliament’s changes shroud government activities in secrecy, prevent scrutiny of government activity, punish whistleblowers with heavy jail terms for telling the truth, and criminalise public interest journalism.

Contempt

On June 4, 2021, Justice John Dixon of the Victorian Supreme Court handed down his judgement in the contempt trial over media companies' reporting of the Pell case. The case began in February 2019, when up to 100 individuals and media organisations were sent a letter over breaching the Pell trial's suppression order. Twenty-eight publications, six corporate groups and 19 individual journalists were charged.

At the beginning of February 2021, the media companies admitted to breaching the order when reporting on the verdict of the 2018 Pell trial. After lengthy court arguments, other contempt charges were dismissed. Importantly, all charges against individual reporters and editors were dropped and no one would face a prison term in relation to the reporting.

The *Daily Telegraph*, the *Herald Sun*, the *Courier-Mail*, the *Adelaide Advertiser*, the *Sydney Morning Herald*, the *Age*, the *Australian Financial Review*, radio station 2GB, the *Today Show* and *Mamamia* pleaded guilty to contempt.

In his judgement, Justice Dixon found "that the media respondents frustrated the suppression order, as

they diminished its purpose or efficacy by reporting information contrary to the terms of the order. In doing so, the media respondents usurped the function of the court in protecting the proper administration of justice and took it upon themselves to determine where the balance ought to lie between Pell's right to a fair second trial (on separate charges) by an impartial jury, and the public's right to know what happened in the cathedral trial."

Justice Dixon "did not accept the Director of Public Prosecutions' submission that the reports were published to deliberately pressure the trial judge prior to determining the media's application, after the verdict, to review the suppression order.

"However, his Honour was satisfied that the media respondents each took a calculated risk by intentionally publishing the reports.

"His Honour rejected the media respondents' submissions that their breaches of the suppression order were each due to an honest but mistaken belief that their reporting would not contravene the order. The content of the reports in most cases demonstrated

the media respondents disagreed with the suppression order and contended — either as direct opinion or as statements of others adopted without criticism — that the media should not be restrained from reporting the outcome of the trial."

While Justice Dixon did accept that each of the media respondents had offered a sincere and unreserved apology to the court, the trial judge, and the County Court, he found that the timing of the media respondents' pleas of guilty "did not demonstrate any significant degree of remorse and contrition, but were entered to protect their individual journalist, presenter and editor employees from conviction on the contempt charges they separately faced, but were withdrawn as part of the plea agreement between the media respondents and the Director of Public Prosecutions."

Justice Dixon ordered the media companies pay fines of \$1.108 million and pay the \$650,000 that the Office of Public Prosecutions spent prosecuting the contempt case.¹⁷⁷

A media scrum forms around Cardinal George Pell outside Melbourne's County Court





Defamation law reform

On June 2, 2021, the Australia’s Right to Know media industry lobbying group, which includes MEAA, made its submission in response to the Council of Attorneys-General (CoAG) review of second stage of the review process for the national uniform defamation scheme.¹⁷⁸ The submission was in response to the CoAG working party’s discussion paper that contained model defamation provisions to be implemented as part of the reformation of the defamation scheme.

A short time later, on September 8, 2021, a High Court judgment in what is known as the Voller case, found media publishers that facilitate third-party comments on social media would be held legally responsible for them. The Guardian said: “The judgment sent shockwaves through media companies in Australia, some of which responded by dedicating more resources for comment moderation on social media, or simply shut off their comments on some posts. CNN pulled its Facebook presence from Australia as a result.”¹⁷⁹

The Guardian, commenting at the time, noted the High Court’s judgment said “that the attempt by media to ‘portray themselves as passive and unwitting victims of Facebook’s functionality has an air of unreality. Having taken action to secure the commercial benefit of the Facebook functionality, the appellants bear the legal consequences.

“This is an important point that is often made by defamation lawyers. Where a person uses a digital platform for commercial benefit and that platform or page hosts content that has unlawfully defamed a person, why should they not be held legally responsible? Why aren’t resources devoted to proper moderation and removal processes?

Any person who has reported online defamatory comment would agree that it is a difficult, frustrating and often unproductive process.

“The law is now clear. Where a party encourages, facilitates and thereby assists in the publication of third-party comments, they will be at law the publisher of those comments. While that party will be able to raise the many defences available to a publisher which may allow them to escape ultimate liability, it places them firmly in the firing line.”¹⁸⁰

Commentators said the implication of the judgement would have a chilling effect on free speech.

LIABILITY FOR COMMENTS

Earlier, the ARTK’s June 2021 submission to the CoAG review had already raised concerns over this potential liability for third parties’ comments, “... namely comments having an originator who is not an employee, contractor, servant or agent of an ARTK member.”

The submission argued: “ARTK has always accepted that where TP [third party] comments are published on a website/platform owned and controlled by one of our members, the relevant member is a publisher of, and may be liable for, them. As the (defamation reform) Working Party has already been informed, it is because we take that view that our members have the ability to moderate such TP comments before they are published and pay significant sums each year to do so.

“However, as some of our members have submitted in the [then pre-judgement] Voller litigation, ARTK does not accept that our members are, or should be, liable for TP comments published on a

website/platform that we do not own and in relation to which we are reliant on the goodwill of the website/platform owner (Owner) to control.

“We do not reserve that position for ourselves but maintain that any person or entity who does not own and control a website/platform should not be liable for TP comments on it, even where that person/entity may invite such TP comments and/or is authorised by the Owner to exercise certain operational control over the website/platform (an Operator). This includes, but is not limited to, administrators of Facebook pages and equivalent social media platforms.

“Even where a TP commenter’s use of a website/platform is free of charge, he or she is always contractually bound by the terms of use of the site/platform... it is only Owners who have the ability to deny service to a TP commenter who fails to comply with either the Owner’s terms of use, the Operator’s terms of use, or both. It is also Owners who determine how much control Operators can exercise over TP comments and they remain free to alter those arrangements at will. That superior level of control is what should attract liability accepting, perhaps, that liability should not be fixed until the Owner is notified about a defamatory TP comment and fails to take any steps to address such a complaint,” the ARTK submission said.

THE “ANTI-TROLLING” BILL

On December 1, 2021, the government introduced the *Social Media (Anti-Trolling) Bill* that would free media companies and operators of social media platforms, plus community groups and businesses, from liability for third-party comments on their social media pages.¹⁸¹



The Attorney-General's Department explained: "The Australian Government is committed to keeping all Australians safe from online harm. Defamatory posts on social media can spread virally across the platform, with much of the content being unfiltered. Such posts are often made anonymously, which makes it challenging to pursue defamation proceedings against the perpetrator, especially for ordinary Australians.

"The Voller decision shows that Australians who maintain a social media page may be exposed to defamation liability for defamatory posts that others make on their page – even if they are not aware of the posts. To urgently address this situation the Australian Government has developed the *Social Media (Anti-Trolling) Bill 2022*. To address the implications of the Voller decision, the Bill will protect Australians from defamation liability that could arise if they allow users to post on their social media page."

Professor David Rolph, from the University of Sydney, was quoted saying that deeming any organisation, irrespective of their size, as not liable for third-party comments on their social media pages "has the effect of

alleviating any media organisation from an obligation of content moderation. Why would they moderate comments on their social media pages ... if they're never going to be found to be a publisher?"¹⁸²

The Attorney-General's Department said: "The Bill is also an important part of the government's commitment to protecting Australians from online harms. It will empower Australians to 'unmask' the originators of anonymous defamatory posts made on social media, where the material is posted in Australia. In doing so, the Bill will seek to centre defamation disputes on the relationship between the victim and the author of the defamatory post.

"Where social media services establish and comply with a complaints scheme that allows the poster's contact details to be disclosed with consent or comply with court orders requiring them to provide contact details, the provider of the service will have access to a conditional defence from defamation liability. If the poster cannot be identified, the Bill will enable victims to treat the provider of the social media service as a publisher for the purpose of potential defamation proceedings."

However, submissions in response to the Bill were critical and it was incorrectly titled, because it does not target trolling.

The government had already established a House Select Committee to inquire into social media and online safety, including scrutinising the issues the Bill addresses and the measures it contains. The committee tabled its final report on March 15, 2022, and among its recommendations it called for the appointment of a House Standing Committee on Internet, Online Safety and Technological Matters.

On February 10, 2022, the Senate referred the *Social Media (Anti-Trolling) Bill 2022* to the Legal and Constitutional Affairs Legislation Committee for inquiry. In March 2022, the committee recommended that the bill be amended so that a social media page owner may be liable for a poster's defamatory material where the social media page owner knowingly encourages the publication of a poster's defamatory material; and has been notified or is aware of the poster's defamatory material and has failed to remove it promptly.



Freedom of information

On 2 September 2021 the Senate referred the provisions of the *COAG Legislation Amendment Bill 2021* for inquiry. Among several measures, the Bill seeks to “make clear that where Commonwealth legislation makes provisions to protect from disclosure the deliberations and decisions of the Cabinet and its committees.”

In summary, the Bill would extend the definition of the Freedom of Information Cabinet exemption to

include the committees of Cabinet. This would include the newly named First Ministers Council – which sat as an all-government response to the COVID-19 pandemic and included the Prime Minister and the premiers and first ministers of the states and territories.

Other committees of Cabinet could include Ministerial Councils such as the Council of Attorneys-General and others.

The Bill would make all these bodies exempt from Freedom of Information

access under the *Freedom of Information Act 1982* (FOI Act), for the release of information into the public domain, for very little or no reason. The Bill also makes it clear the materials that would be considered exempt are not just documents of the operations of these bodies, or the papers before them for decision, but also all preparatory documents, briefing documents and so on.

The Bill represents a significant expansion of the exemptions because



it would now be applied across all the members of all those committees.

The Bill would also extend the definition of “Cabinet” and these additional categories under the *Public Disclosure Act 2013* (PID Act).

Press freedom organisations always champion open and transparent government. For two decades, successive Australian government have sought to classify a wide variety of information as “secret”. In concert with these moves, they have also introduced or increased penalties for the disclosure of “secret” information, with lengthy jail terms applicable to whistleblowers for their truth-telling and the journalists who tell that truth in the public interest. The June 2019 Australian Federal Police raids on the Canberra home of a News Corporation journalists and the offices of the ABC sought to identify sources and prosecute them. New legislation has sought to prosecute journalists for

The documents and discussions of the national First Ministers Council, formed in response to the COVID pandemic, would be exempt from Freedom of Information applications | *Department of Prime Minister and Cabinet*

merely “handling” information that is secret. Laws have been enacted to enable government agencies to use a special warrant to trawl through the telecommunications data of journalists and media organisations in a hunt for their confidential sources.

On September 24, 2021, the Australia’s Right To Know (ARTK) media industry lobbying group, of which MEAA is a member, made a submission to the inquiry into the Bill. ARTK noted that Schedule 2 of the Bill would amend references to COAG in Commonwealth legislation with the new-intergovernmental body with the term ‘First Ministers Council’.

ARTK commented: “This would currently include the National Cabinet but does not limit the entities that could or would fulfil the definition of First Ministers Council now or in the future... The National Cabinet, when established in 2020, was established as a committee of the Federal Cabinet. As such the National Cabinet can establish committees as required. Ministerial Councils are one type of those committees.

“The Explanatory Memorandum states that ‘Consistent with the [Federal] Cabinet and its committees, all proceedings and documentation of the National Cabinet and its committees are confidential’.”

On this, ARTK stated: “We have significant concerns with Schedule 3 of the Bill which establishes confidentiality of all proceedings and documentation of all committees and committees of committees of the Federal Cabinet. Stretching the shroud of secrecy in this way, with little justification, is detrimental to the healthy functioning of our Federation and Australia’s democracy.”

ARTK said, “An exemption from the *FOI Act* for such a broad range of documents

across is contrary to the Act itself and the important tenets of transparency and accountability in a democracy.

“The Bill further exacerbates these issues by amending the *Public Interest Disclosure Act 2013* to limit the ability of public officials to make public interest disclosures of information which is ‘national cabinet information’ by extending that information to include [Federal] Cabinet, or a committee of the Cabinet such as National Cabinet, or a committee of a committee of Cabinet.

“The combination of amendments [would] effectively shut down the public’s right to know about a significantly expanded range of matters that affect all Australians.” it said in its submission.

ARTK added that other amendments in the Bill will impact statutory reporting of some matters to Parliament and therefore the people of our Federation, including, for example, amendments to the *Independent National Security Legislation Monitor Act 2010*.

“As ARTK has expressed on previous occasions to other Committees of the Parliament, the state of [several] Commonwealth laws are in dire need of reform to improve transparency and reduce secrecy and better serve Australians. These include the *FOI Act* and the *PID Act*. The amendments included in Schedule 3 of the Bill, particularly amendments to the *FOI Act* and *PID Act*, unjustifiably makes secret more decisions made by elected officials that affect the day-to-day lives of all Australians.”

In October 2021, the Senate’s Finance and Public Administration Legislation Committee handed down its report on the Bill.¹⁸³ Amid dissenting reports from Labor, Senator Rex Patrick and the Greens, LNP and PHON committee members made one recommendation: that the Bill be passed.



The 2022 federal election

In the final weeks leading up to the May 21, 2022, federal election, MEAA presented a series of priority issues that should be addressed by government following the election. Many of the issues were long-standing MEAA concerns, others related to urgent issues of public interest journalism that must be addressed urgently.

On April 8, 2022, the document was presented to the leaders of the ALP, the Greens and the Liberal Party. It identified each issue and identified the relevant ministerial portfolios, asking the parties to address these matters during the term of the next parliament.

PING (PUBLIC INTEREST NEWS GATHERING) PROGRAM (COMMUNICATIONS PORTFOLIO)

The PING program was of insufficient scale and duration to ensure the retention and/or revival of public interest journalism in regional (and other) areas. Regional news provision is in decline and there are no plausible future programs aimed at arresting this situation.

MEAA supports increasing the PING fund from \$50m to \$250m per annum as recommended by the Centre for Future Work 2021 report, *The Future of Work in Journalism*. Renewed PING funding should be for a minimum of three years with \$150m per annum available to the small to medium news media sector, with substantial funds quarantined for providers of regional news services.

- Will your Party maintain and improve the PING program (or equivalent) if elected to Government? If not, what other measures will be introduced the

ensure that quality news media is equitably produced across Australian regions?

ABC (COMMUNICATIONS PORTFOLIO)

ABC funding has been cut by \$526 million since 2014. Indexation pauses, efficiency dividends and general funding cuts have been the order of the day. [At least] 640 ABC staff have lost their jobs over eight years. Programs have been cut or had their production severely curtailed. Critical initiatives such as the Enhanced News Gathering program remain the subject of ‘grace and favour’ government funding.

It is critical that the ABC be provided with funding and resources to enable it to fulfil its brief as our quality national broadcaster across all broadcast platforms.

MEAA calls for the progressive restoration of ABC funding to match the funding that would have been provided on a ‘business-as-usual’ basis had cuts and efficiency dividends not been implemented from 2014.

MEAA also calls for greater funding certainty by replacing (current) three-year triennium funding with a five-year funding commitment, with guaranteed indexation.

SBS FUNDING (COMMUNICATIONS PORTFOLIO)

Funding of SBS has flatlined over the period of the current federal government. Efficiency savings and base funding cuts imposed over the last eight years have severely compromised the organisation’s ability to fulfil its Charter obligations.



Funding over the next triennium (2022 to 2025) provides no scope for service expansion and will hamper delivery of critical cultural programming across radio, television and online.

MEAA calls for the SBS funding growth in real terms to realise at least \$1 bn in government funding over the coming triennium (compared to the projected \$932 million). MEAA also seek the replacement of triennium funding with a five-year funding commitment, with guaranteed indexation.

- Will your Party increase and protect funding for Australia’s national broadcasters over a five-year funding cycle?

MEDIA MERGER PROTECTION (COMMUNICATIONS / TREASURY PORTFOLIOS)

By any measure, Australia has one of the most highly concentrated and least diverse media markets in the world. The progressive relaxation of media ownership rules that have simply extended the dominance of long-



standing media companies. Further consolidation will result in even fewer distinct media voices; it will result in further job losses and further reduce the range of views available to the Australian community.

MEAA seeks an amendment to the competition regulatory arrangements to include new provisions to require an independent panel of experts to conduct a “diversity of voices” test to prevent further concentrations of ownership arising from proposed media takeovers or mergers. MEAA envisages the Panel’s views about the viability and merits of a takeover or merger will be binding.

- Will your Party amend the Consumer and Competition Act to ensure that media mergers are subject to a diversity of voices test as a binding input on any media merger proposals?

**TAX REFORMS
(COMMUNICATIONS / TREASURY
PORTFOLIOS)**

Several countries have introduced or

signalled support for taxation reforms aimed at ameliorating the costs of producing and consuming domestic news content. These reforms make consumption of domestic news content more attractive and directly aid the financing of public interest journalism.

The Centre for Future Work, in its 2021 Future of Work in Journalism report, assessed a range of international tax-related incentives designed to maintain and bolster domestic news consumption. The Centre’s report recommended the following:

- Tax support for employment of journalists. Refundable 25 per cent tax credits to offset the cost of wages and superannuation for in legitimate news organisations. (A cap would be implemented on costs per eligible employee.)
- Tax incentives for digital or print subscriptions. Subscriptions to domestic media could be made tax-deductible for personal use (they are already tax-deductible for businesses). Subscriptions could be further increased by making them

GST-free.

- Tax deductibility for advertising. Classify advertising as an allowable business expense when purchased through a domestic media or information provider.
- Will your Party implement reforms that will enable the costs of journalism to be offset via taxation incentives?

**PUBLIC INTEREST DISCLOSURE
(WHISTLEBLOWER) REFORMS
(ATTORNEY-GENERAL’S
PORTFOLIO)**

There have been unconscionable delays in reforming Australia’s public interest disclosure legislation, especially inaction following the Moss Review in 2016. Although some private sector disclosure reforms have taken place, protections for whistleblowers and journalists under the public sector regime are poor or do not exist.

MEAA seeks your Party’s views about the progressing the following matters:

- implementation of the recommendations of the Moss



- Review of the PID Act
- removal of general secrecy offences (including the definition of ‘intelligence information’) and the provision of clear protections for public interest journalism
- reform of provisions facilitating direct disclosure to media and emergency disclosure regime
- improvements to public reporting on the frequency and type of public interest disclosures

NATIONAL SECURITY LAWS (ATTORNEY-GENERAL’S PORTFOLIO)

The number and scope of national security laws has ballooned over the past 20 years. While these laws are geared towards increasing public safety, they also frustrate and/or penalise reporting of public interest news by prohibiting disclosure of any information deemed by government or its agencies. These restrictions have the twin effect of punishing those who seek to disclose and those who seek to report the substance of these disclosures, even where the information concerned poses no threat to the nation’s security.

Journalists who seek to report on so-called national security matters can be monitored and have their sources identified through warrants and other means of surveillance. Journalists and their sources continue to face the threat of having their homes and offices raided, protracted court proceedings and possible imprisonment.

Two recent inquiries and reports – the Press Freedom Inquiry and the the Parliamentary Joint Committee on Intelligence and Security – have identified a catalogue of provisions

across our national security laws that unreasonably hinder journalistic work and facilitate the detection and prosecution of reportage that is plainly in the public interest, and which does not pose a threat to the safety of any citizen. Although there has been occasional mention of a departmental review of Commonwealth secrecy provisions, no real headway appears to have been made in addressing the concerns of Australian journalists and media organisations.

Existing laws must be urgently evaluated, with a view to providing credible exemptions and protections for public interest journalism and journalists.

- Will your Party expedite a review of Australia’s secrecy laws and take action to remove impediments and sanctions concerning public interest journalism?

NATIONAL INTEGRITY COMMISSION (ATTORNEY-GENERAL’S PORTFOLIO)

The absence of a federal integrity (or anti-corruption) Commission is blight on the body politic. The ongoing failure to enact credible legislation in support of such a body means that corrupt and improper conduct is not being investigated and deficiencies remedied.

MEAA supports the Centre for Public Integrity’s model for a National Integrity Commission. The Commission should have a broad jurisdiction, the powers of a Royal Commission – including the ability to hold public hearings, adequate funding, and independent non-partisan appointment and secure tenure of officials.

- Does your Party support the CPI’s model for a National Integrity Commission? What is the timetable in which your Party will establish a Commission should you form Government?

SHIELD LAWS (ATTORNEY-GENERAL’S PORTFOLIO)

Considerable progress has been made in the past decade across Australia to implement journalist shield laws, whereby courts can protect journalists from identifying sources. This progress has been tempered by a raft of inconsistent provisions between the states and between the states, and the Commonwealth. Shield laws across Australian jurisdictions contain differing definitions of ‘journalist’ and ‘journalism’; courts may also readily displace the shield ‘privilege’ (the protection against disclosure) where ill-defined public interest tests are not satisfied.

The Report of the Parliamentary Joint Committee on Intelligence and Security (PJCIS) Inquiry considered the state of shield laws in its inquiry (and subsequent report) into the impact of the exercise of law enforcement and intelligence powers on the freedom of the press recommended in 2020. The Committee recommended that: “the Australian Government promote consideration of harmonisation of State and Territory the state of shield laws into laws through National Cabinet, with relevant updates incorporated to expand public interest considerations, and to reflect the shifting digital media landscape.”

- Will your Party act on the PJCIS’s recommendation and carry out a review of national shield laws with a view to ensuring harmonisation and improved journalist protections throughout Australia?

JOURNALISTS SAFETY (ATTORNEY-GENERAL’S AND FOREIGN MINISTER PORTFOLIOS)

The International Federation of Journalists’ White Paper on Global Journalism reported that between 1990 and 2020, 2658 journalists were killed in the performance of their work. Nine in 10 cases have gone unpunished. The Committee to Protect Journalists reports that, at the end of 2021, 293 journalists were currently in jail for their work – a record.

“The current state of Australia’s media is unsustainable. There are too few voices and too much power is vested in these voices.”

- Paul Murphy, MEAA Chief Executive

Opening statement to Senate inquiry into media diversity in Australia



Daily, journalists are attacked, beaten, harassed, threatened, and detained. There are growing threats to their digital safety with cyber-attacks, hacking, online harassment – especially of women journalists – all creating a safety crisis for news professionals.

In the current international legal framework, there are no binding norms establishing safeguards for media workers specifically. International law is silent on the unique vulnerabilities confronted by journalists covering conflicts and gross misconduct in high office. To address these flaws and provide a rights framework in which media workers safely carry out their work, the International Federation of Journalists (IFJ) has drafted an *International Convention on the Safety and Independence of Journalists and Other Media Professionals*.

The draft Convention consolidates and clarifies existing legal obligations (contained in case law and various free speech and human rights instruments) as these would apply to journalists. It enhances the visibility of journalists' precarious position and provides for: the obligation to protect journalists against attacks on their life, arbitrary arrest, violence and intimidation campaigns; the obligation to protect against forced disappearances and kidnapping (by state agents or private actors); the obligation to carry out effective investigations into alleged interferences and bring the perpetrators to justice; and in the context of armed conflict, the draft Convention articulates an obligation to treat media workers and facilities as civilians (and hence illegitimate targets) and for military forces to conduct operations with due diligence.

- Will your Party investigate the merits of adopting the International Convention on the Safety and Independence of Journalists and Other Media Professionals and take steps to promote the Convention's adoption at the domestic and international level?

ADVOCACY FOR INCARCERATED AUSTRALIAN JOURNALISTS (ATTORNEY-GENERAL'S AND FOREIGN MINISTER PORTFOLIOS)
Australian governments have been



Top: Journalists back the IFJ campaign for a UN Convention on the Protection of Journalists and Media Professionals | Frédéric Moreau de Bellaing IFJ; **Above:** Australian citizen, writer and blogger Dr Yang Hengjun with his wife, Yuan Ruijuan

heavily restrained in their advocacy on behalf of journalists and those who disseminate information in the public interest who are arbitrarily detained overseas and then subjected to the most questionable legal processes.

We have previously seen the unwarranted detention of Peter Greste; more recently, Cheng Lei and Dr Yang Hengjun have been arbitrarily detained and thrust into the most jaundiced quasi-judicial processes.

Most prominently, Julian Assange continues to face the full force of British and US law. His ongoing detention and possible extradition to the USA present a real and present danger to his life.

Australian governments must protect the interests of its citizens when they are detained by foreign governments

or foreign actors, including where this protection is perceived to be out of step with public sentiment. This protection must be consistent and vocal, and not compromised or overwhelmed by a foreign government's interests.

MEAA urges your Party to increase efforts on behalf of Australian journalists who are imprisoned abroad, and to raise concerns with foreign countries about laws and powers that have a chilling effect on public interest journalism in their countries and that could reach far beyond their borders.

- Will your Party speak out in support of journalists and allied workers when they are exposed to arbitrary detention, imprisonment and threats to their life, and investigate the murder of journalists killed with impunity?



Getting away with murder

AUSTRALIAN JOURNALISTS KILLED WITH IMPUNITY

Is the life of an Australian journalist valued less than the life of any other Australian?

In the cases of eight Australian journalists killed with impunity since 1975, the lack of vigour by the Australian Government and its agencies to investigate their murders, to hunt for their murderers and to bring those murderers to account is shameful.

In those eight cases, the Australian Federal Police (AFP) has not pursued investigation of these crimes.

It's particularly disturbing that, while the coronial inquest into the Balibo Five identified an Indonesian military officer likely to have ordered the murder of the Australian journalists, in five years the AFP didn't contact anyone in Indonesia.

The impunity from justice enjoyed by the killers should be seen for what it is: appalling apathy over the murder of journalists. That apathy adds Australia to a long list of countries that allow the killers of journalists to get away with murder. It sends a signal that the Australian Government and its agencies treat the lives of Australian journalists as worth less than other Australians.

On January 6, 2022, the UN Educational, Scientific and Cultural Organisation (UNESCO), reported that 55 journalists and media professionals were killed in 2021, with nearly nine in 10 cases of journalists killed since 2006 still unresolved. Impunity is "alarmingly widespread..."

Although the number of victims stands

at its lowest for a decade, UNESCO underlined the many dangers that reporters face trying to cover stories and expose wrongdoing.¹⁸⁴

JUANITA NIELSEN

On June 21, 2021, The NSW Government, together with the NSW Police Force, announced a \$1 million reward for information about the 1975 disappearance and suspected murder of Juanita Nielsen.¹⁸⁵ The Sydney journalist and editor disappeared on July 4, 1975. The presumption that she has been murdered makes Nielsen the ninth Australian journalist to have been killed with impunity (the other cases have all been murdered overseas).

Nielsen was the owner and publisher of a local newspaper, *NOW*, which she published from her home, a terrace house in Victoria Street, Kings Cross in Sydney. She also conducted a vigorous editorial campaign in support of the green ban movement against the redevelopment of Victoria Street, by businessman Frank Theeman, mobilising residents against the demolition of the street's historic terraces and the eviction of their tenants.

Amid the tension, Nielsen agreed to attend a meeting at the Carousel Club in Kings Cross on July 4, 1975, regarding advertisements being placed in an upcoming edition of *NOW*. The club's owner at the time was "King of the Cross", organised crime boss Abe Saffron.

The Daily Telegraph reported that a "club employee, Eddie Trigg, who set

up the meeting, was jailed in 1977 after admitting that he and an accomplice had planned to kidnap Nielsen less than a week before she disappeared but pulled out at the last minute. "Police believe the small-time crook was likely the last person to see Nielsen alive."¹⁸⁶ Trigg died in 2013.

On November 10, 1983, a coroner and jury of six declared that Nielsen had died "on or shortly after July 4, 1975". They were unable to name "the place of death or the manner and cause of death" but found "evidence to show that the police inquiries were inhibited by an atmosphere of corruption, real or imagined, that existed at the time".¹⁸⁷

In 1994 the Commonwealth Parliamentary Joint Committee on the National Crime Authority further castigated investigative ineptitude in the case and emphasised links between her presumed murder, property developers and the criminal milieu at Kings Cross.

As recently as August 2014, NSW Police forensics dug up a nightclub basement to try to locate her remains, but the search was unsuccessful. No formal homicide charges have been brought and Nielsen's remains have never been found.¹⁸⁸

In its announcement of the \$1 million reward on June 21, 2021, the NSW Government said:

"Juanita Nielsen – then aged 38 – was last seen at the Carousel Cabaret on Roslyn Street at Kings Cross, on the morning of Friday 4 July 1975 and was later reported missing. During



Clockwise from top left: Juanita Nielsen has been missing, presumed murdered, since July 1975. She had campaigned against development in Kings Cross, Sydney

initial investigations, police uncovered information relating to a conspiracy to kidnap Ms Nielsen on Monday 30 June 1975 – four days prior to her last known sighting.

In late 1977, three men were arrested and charged with conspiracy to kidnap. Two of the men were subsequently convicted, while the third was acquitted.

Despite extensive investigations over the years, no one has been charged in relation to Ms Nielsen’s disappearance and suspected murder.

Since 1975, NSW Police Force investigators have conducted numerous inquiries in an effort to locate her remains. Despite these efforts, her body has never been found.

In 1982, the NSW Government announced a \$50,000 reward for information relating to her disappearance and suspected murder and in 1983, a Coronial Inquest found it was likely Ms Nielsen had died; however, the cause of death was undetermined.

Since that time, the investigation has remained open under Strike Force Euclid, with detectives investigating all information received to identify those involved in Ms Nielsen’s disappearance. A formal review of the case was subsequently conducted under the Homicide Squad’s Unsolved Homicide framework and further inquiries were commenced by detectives as part of Strike Force Euclid.

As investigations continue, police are renewing their appeal to the community to come forward with any information that may assist detectives with their inquiries.

Minister for Police and Emergency Services, David Elliott, said he hopes the increase in the NSW Government incentive will encourage anyone with information to come forward and assist strike force investigators. “To have a loved one go missing has a devastating impact on family, friends and the wider community, and police remain committed to finding answers for Juanita’s family,” Minister Elliott said. “Juanita Nielson [sic] disappeared at

the prime of her life and had a lot to live for. Despite the passage of time, police and this government remain committed to obtaining information about her disappearance.”

Homicide Squad Commander, Detective Superintendent Danny Doherty, said detectives will explore every line of inquiry in hope of finally getting justice for Juanita. “We acknowledge that this matter occurred more than four decades ago and that there is very limited opportunity for police to gather further forensic evidence and witness statements,” Det Supt Doherty said.

“In turn, it has also become difficult for police to target known persons of interest or associates due to their passing. However, it is our hope that someone in the community may have information about Juanita’s disappearance, or the location of her remains.

“After nearly half a century of searching for answers, police hope to locate Juanita, so her family may put her to rest,” Det Supt Doherty said.



Juanita's cousin, Mr Francis Foy, said his cousin's disappearance has devastated their family for more than four decades. "Juanita was very much loved by her family and very much missed. Her disappearance and the unknown of what happened to her caused incredible pain for her family," Mr Foy said. "Our purpose now is to try and find where Juanita's remains are, so that she can be buried respectfully with other members of our family and a memorial can be placed. If there is anyone who has information as to what could have happened to Juanita, or where her remains may be, please tell the police. We do hope there is someone or may have associated with people around Kings Cross in 1975 that may be able to shed some light on where her remains are," Mr Foy said.

Anyone with information that may assist Strike Force Euclid detectives is urged to contact Crime Stoppers: 1800 333 000 or <https://nsw.crimestoppers.com.au>. Information is treated in strict confidence."

In September 2021, Nielsen's disappearance was the subject of an ABC-TV documentary miniseries and a podcast.¹⁸⁹ However, streaming of the documentary was suspended, and two episodes of the podcast removed¹⁹⁰ while the veracity of interviews in the programs were investigated.

The ABC's podcast page carries this explanation: "Episode 7 of 'Unravel: Juanita' featured an interview with a source, John Innes, who claimed to have been placed in jail as an undercover investigator to extract information from key suspect Eddie Trigg. Excerpts from the interview were also included in episode 8. Following publication, new information came to light casting serious doubt on some of Innes' claims. Some of this information had been unavailable to the content makers; some was available but not discovered. Episodes 7 and 8 have been temporarily removed from the ABC website and podcast platforms in order to address concerns about the accuracy of Innes' claims."

The ABC's streaming service said: "This series has been temporarily removed from ABC iview to address concerns about the accuracy of claims made by a source."¹⁹¹

In a statement, the ABC said: "It is important to note that the program makers attempted to verify those claims, such as by speaking with and / or seeking interviews with current and former NSW Police officers, including those Mr Innes said he worked with in the early 1980s. The program makers also sought comment from NSW Police, which chose not to repudiate Mr Innes' claims until after they were broadcast," ABC said in a statement. "However, while some information concerning Mr Innes was not available to the program makers, we acknowledge that additional steps should have been taken to verify his claims."¹⁹²

THE BALIBO FIVE

On October 16, 1975, journalists Brian Peters, Malcolm Rennie, Tony Stewart, Gary Cunningham and Greg Shackleton were murdered by Indonesian troops in Balibo, East Timor.

A coronial inquest found that they were killed on the orders of Captain Yunus Yosfiah who commanded the Kopassus (Indonesian Special Forces) Team "Susi" that had attacked Balibo in a combined operation with regular troops of Rajawali Company B.

The inquest was invoked in 2007 by Brian Peters' sister, Maureen. She utilised a provision of the *Coroners Act 1980 (NSW)* to ask for a coronial inquest based upon Brian's residence in New South Wales.¹⁹³

On November 16, 2007, NSW Deputy Coroner Dorelle Pinch brought down her finding in the inquest into Brian's death. "Brian Raymond Peters, in the company of fellow journalists Gary James Cunningham, Malcolm Harvie Rennie, Gregory John Shackleton and Anthony John Stewart, collectively known as 'the Balibo Five', died at Balibo in Timor-Leste on 16 October 1975 from wounds sustained when he was shot and/or stabbed deliberately, and not in the heat of battle, by members of the Indonesian Special Forces, including Christoforus da Silva and Captain Yunus Yosfiah on the orders of Captain Yosfiah, to prevent [Peters] from revealing that Indonesian Special Forces had participated in the attack on Balibo."¹⁹⁴

Pinch found the journalists had been surrendering to the Indonesian forces

by raising their arms in the air and protesting their status as "Australians" and "journalists" when the order came from Yosfiah that they be killed. The coroner found that the journalists could not have been and were not mistaken for combatants. "They clearly identified themselves as Australians and as journalists. They were unarmed and dressed in civilian clothes. They all had their hands raised in the universally recognised gesture of surrender. They were killed in a matter of minutes."¹⁹⁵

During the inquest an "eyewitness identified Yunus Yosfiah from a photograph projected on screen at the coronial inquest. The coroner said "... there is strong circumstantial evidence that those orders [to kill the journalists] emanated from the Head of the Indonesian Special Forces, Major-General Benny Moerdani [a key planner of the invasion of East Timor – known as Operation Lotus/Seroja – who had also been involved in sending Indonesian soldiers into East Timor disguised as volunteers. He died August 29, 2004¹⁹⁶] to Colonel Dading Kalbuadi [died October 10, 1999], Special Forces Group Commander in Timor, and then to Captain Yosfiah."¹⁹⁷

In her finding, Pinch stated that she "intended to refer the matter to the Commonwealth Attorney-General for consideration of potential breaches of division 268 of the *Commonwealth Criminal Code* [the section that outlines offences deemed as war crimes]".

Pinch recommended that the killings be investigated by the Australian Federal Police (AFP) as a war crime as the journalists "were killed deliberately on orders given by the [Indonesian] field commander, Captain Yunus Yosfiah."¹⁹⁸

Yosfiah was born in Rappang on August 7, 1944.¹⁹⁹ After Balibo, Yosfiah he rose to be one of Indonesia's most decorated soldiers: commanding officer of the Indonesian Armed Forces Command and Staff College (with the rank of Major General); Chief of Staff of the Armed Forces Social and Political; and chairman of the Armed Forces Faction in the Indonesian National Assembly. He retired from the army in 1999 with the rank of Lieutenant General and in 1998-99 served as minister of information in the government of President Bacharuddin Jusuf Habibie.

The Balibo Five, **Top left:** Greg Shackleton, died aged 29; **top right:** Malcolm Rennie, died aged 29; **bottom right:** Gary Cunningham, died aged 27; Brian Peters, died aged 24; Tony Stewart, died aged 21;



Above left: Journalist Greg Shackleton paints the “Australia House” in Balibo, October 12 1975; **Above right:** The coroner found that the Balibo Five were deliberately killed on orders given by the Indonesian field commander, the then Captain Yunus Yosfiah



In May 1998, in his inaugural speech as minister, he promised that he would support journalists in their profession.²⁰⁰

THE AFP'S ROLE

It took a further two years after the 2007 inquest, on September 9, 2009, before the Australian Federal Police finally announced that it would conduct a war crimes investigation into the deaths of the five journalists. To date, there has never been an Australian Commonwealth prosecution for war crimes under the *Geneva Conventions Act*.²⁰¹

Over the course of five years, little was ever disclosed about how the AFP investigation was being conducted, what lines of questioning were being pursued, what evidence had been gathered or whether the families were being kept informed of the AFP's progress.

On October 13, 2014, three days before the 39th anniversary of murders and five years into the AFP's investigation, the AFP responded to a question about the progress of the investigation that had been asked seven months earlier in a Senate estimates hearing.

The AFP said the "active investigation" into the murder of the Balibo Five was ongoing, "has multiple phases and results are still forthcoming from inquiries overseas." Regarding the inquiries overseas, the AFP admitted that despite the passage of five years of "active investigation", it had "not sought any co-operation from Indonesia and has not interacted with the Indonesian National Police".²⁰²

On October 21, 2014, just eight days later, the AFP abandoned its 1868-day investigation. "During the investigation

the AFP identified challenges associated with establishing jurisdiction. The investigation continued in an effort to overcome those issues. As a result, the AFP has exhausted all inquiries in relation to this matter and will be taking no further action. The AFP has had ongoing consultation with the families throughout this complex and difficult investigation."

The Guardian reported: "Shackleton's widow, Shirley Shackleton, reacted angrily to the news, describing it as a "shocking" and "terrible" outcome. 'I will keep on this until I die'.

"Ben Saul, barrister and professor of international law at the University of Sydney [and who had acted for MEAA at the NSW coronial inquest], called for the AFP to fully explain [its] legal reasons for not going ahead with the investigation. 'Certainly, the NSW coroner felt there was a sufficient legal basis to commence a prosecution. So, it's really incumbent on the federal police to release their legal advice to explain why it is they think it's not possible and why they take a different view to senior lawyers in that coronial inquiry."

MEAA said in response to the abandonment: "Last week, the AFP admitted that over the course of its five-year investigation it had neither sought any co-operation from Indonesia, nor had it interacted with the Indonesian National Police. The NSW coroner named the alleged perpetrators involved in murdering the Balibo Five in 2007. Seven years later the AFP has achieved nothing.

"It makes a mockery of the coronial inquest for so little to have been done in all that time. This shameful failure means that the killers of the Balibo Five can sleep easy, comforted that they will

never be pursued for their war crimes, never brought to justice and will never be punished for the murder of five civilians. Impunity has won out over justice."²⁰³

On April 15, 2015, in a letter responding to a MEAA request for information, the AFP's Deputy Commissioner Operations Leanne Close said: "As stated by the AFP Commissioner during the last Senate Estimates hearing on November 20, 2014, the AFP has now completed an extensive review of the investigation into the deaths of the 'Balibo Five'. It has been determined there is insufficient evidence to support providing a brief of evidence to the office of the Commonwealth Director of Public Prosecutions for consideration for prosecution under Australian law."

ROGER EAST

On December 8, 1975, less than two months after the murder of the Balibo Five, Roger East, a freelance journalist on assignment for Australian Associated Press, was murdered by the Indonesian military on the Dili wharf on December 8, 1975. East was aged 53.

East had opened a one-man news agency in East Timor, stringing for both ABC Radio in Darwin and the AAP news agency in Sydney. He provided the first accounts of the killing of the Balibo Five. As the sole remaining foreign reporter in East Timor his stories described the approaching Indonesian forces and the plight of the civilian population. Roger East's final story for ABC Radio was heard on Correspondents Report on the afternoon of December 7, 1975.

"His plans to flee to the mountains with retreating Fretilin soldiers were thwarted when he was cornered in Dili



Above left: Tony Joyce, second from right, with colleagues from the ABC's *This Day Tonight*; **Above right:** Paul Moran

by Indonesian paratroopers. He was executed on Dili wharf with a single shot to the head on December 8, 1975. His body fell into the sea and was never recovered.

MEAA has honoured the memory of the Balibo Five and Roger East with a fellowship in their name, in conjunction with Union Aid Abroad-APHEDA. MEAA provided the bulk of the funding and additional funds were received from the Fairfax Media More Than Words workplace giving program, and private donations. The fellowship sponsors travel, study expenses and living costs for East Timorese journalists to develop skills and training in Australia. There have been no recent activities by the fellowship due to the COVID pandemic.

TONY JOYCE

ABC foreign correspondent Tony Joyce was shot on November 21, 1979, while reporting on the escalating conflict between Zambia and Rhodesia (now Zimbabwe). He died from his injuries on February 3, 1980, in London St Bartholomew's Hospital.

With camera operator Derek McKendry, Joyce had travelled 55 kilometres to film Chongwe Bridge which had been destroyed by Rhodesian commandos. Zambian soldiers arrested the two of them and placed them in a police car.

A man, thought to be a political officer with the militia, raised his pistol and shot Tony Joyce in the head. Joyce never regained consciousness.

Zambia's President Kenneth Kaunda wrote to Australian Prime Minister Malcolm Fraser to claim that Zambian "security forces" had fired at Joyce

and McKendry, "mistaking" them for white "Rhodesian commandos" who had crossed the border with Zambia, formerly Northern Rhodesia.

Tony Joyce was posthumously awarded a Media Peace Prize (1980) by the United Nations Association of Australia.²⁰⁴

PAUL MORAN

On March 22, 2003, Paul Moran, a freelance cameraman on assignment with the Australian Broadcasting Corporation to cover the Iraq war, was killed while working near the town of Sayed Sadiq in northern Iraq. While filming, a suicide bomber in a taxi pulled up beside him and exploded the device, killing him instantly. Moran, aged 39, was the first international media person killed in the 2003 Iraq war.

Seventeen years later, in March 2020, the individual who is believed ordered the terrorist attack that killed Moran, began serving a 12-year prison sentence in Italy.

The attack was carried out by the now defunct terrorist group Ansar al-Islam which was listed by the United Nations and the United States as a terrorist arm of Al-Qaeda. According to US and UN investigations, the man most likely responsible for training and perhaps even directly ordering the attack was Najmuddin Faraj Ahmad, also known as Mullah Krekar.

Krekar, an Iraqi Kurdish preacher who had been residing in Norway as a refugee since 1991, admitted to being the founder Ansar al-Islam.²⁰⁵ He has since distanced himself from that group, claiming not to have led the terrorist organisation since 2002.²⁰⁶

On February 10, 2015, MEAA wrote to then Justice Minister Michael Keenan and then AFP Commissioner Andrew Colvin, stating: "We are deeply concerned that if those responsible for killing Paul are not brought to justice, then they are getting away with murder.

"You would be aware that the United Nations General Assembly has adopted Resolution A/RES/68/163 which urges member states to: 'do their utmost to prevent violence against journalists and media workers, to ensure accountability through the conduct of impartial, speedy and effective investigations into all alleged violence against journalists and media workers falling within their jurisdiction and to bring the perpetrators of such crimes to justice and ensure that victims have access to appropriate remedies'."

On April 15, 2015, the AFP's Deputy Commissioner Operations Leanne Close replied to MEAA's letter saying that there was insufficient information available to justify an investigation under section 115 of the *Criminal Code Act 1995 (Harming Australians)* and that despite the new information on Krekar's movements, the AFP would not be taking any further action.

On November 11, 2015, while in prison, Krekar was served with an arrest warrant as part of Europe-wide and Italy-coordinated police "swoop on Islamist militants planning attacks." On March 26, 2020, Norwegian Justice Minister Monica Maeland announced that Krekar had been extradited to Italy to serve his sentence.²⁰⁷ Krekar was flown to Italy that evening and held in Rebibbia Prison in Rome.²⁰⁸



Press freedom and Australians abroad

CHENG LEI

On March 25, 2022, reports said Australian journalist and MEAA Media member Cheng Lei, who had been detained in China for more than 19 months, would be put on trial, likely in a closed court, on state secrets charges that could see her face anything from “a short sentence to life behind bars”.²⁰⁹

At the time of her arrest on August 13, 2020, she was working as a news anchor for the state-owned news channel China Global Television Network, where she had worked for eight years.

She had been held in Beijing since and was initially denied access to lawyers while being detained under an extra-judicial interrogation process called “residential surveillance” at a prison. However, after so many months in detention, no evidence had been presented to explain the accusations of suspicion of illegally “supplying state secrets overseas”.

Her treatment echoes that of Dr Yang Hengjun, another Australian citizen who, like Cheng, was tried on national security-related charges.

Marking a year since her arrest, many of Australia’s leading journalists came together to call Cheng to be released from detention by the Chinese Government and be allowed to return home to her family.²¹⁰ More than 50 leading journalists signed an open letter in support of Cheng, who has two young children living under the care of her elderly mother in Melbourne.

MEAA joined with her journalist colleagues and press freedom organisations to confirm that Cheng is a highly regarded journalist with an excellent reputation. Cheng, 46, joined MEAA in 2009, and has also been issued with an International Federation of Journalists’ press card which certifies her as a professional journalist.

“Lei is a reputable journalist and a MEAA member in good standing. She is admired and respected by her friends and colleagues the world over. She has enjoyed an excellent career as a finance journalist. Her arrest, her detention and the accusations against her have never been explained. No evidence has been presented. After 12 months, there has been nothing to suggest she has done anything wrong. MEAA members, and journalists around the world, stand with Cheng Lei.

“We urge the Chinese government to drop the charges against our colleague, and to show compassion by allowing her to return to Australia to be with her family. We urge the public to add their voice to this campaign to bring Lei back home,” MEAA said.

Australian journalist Annelise Nielsen had worked with Ms Cheng in China and co-authored the open letter. “None of us have taken the decision to sign this letter lightly,” she said. “We’re all deeply concerned about what’s happening to Cheng Lei and just want to see her reunited with her children.”²¹¹

By the time of her trial in March 2022, she still had not been allowed to speak

to her children (aged 10 and 12) since her arrest although they were allowed to exchange limited written messages through consular visits, under the supervision of her prison guards.

Lei’s colleagues reported that for the visits from Australian consular officers, Lei would be led into the room wearing a hood, strapped down in a chair with a board across her lap during the video call.

Lei was grateful when she learned that so many colleagues, journalists and members of the public were standing with her and showing their support. “It means so much that I am not alone, and that I am remembered and thought about. The appreciation I feel is too big for me to express in words.”

On March 26, 2022, the Australian Foreign Affairs Minister, Senator Marise Payne said in a statement: “The Australian Government has regularly raised serious concerns about Ms Cheng’s welfare and conditions of detention. Our officials have visited her regularly, most recently on 21 March. We expect basic standards of justice, procedural fairness and humane treatment to be met, in accordance with international norms. We have asked also that Australian officials be permitted to attend Ms Cheng’s hearing... in line with China’s obligations under the Australia-China bilateral consular agreement.”²¹²

On March 29, 2022, the International Federation of Journalists said, “Cheng Lei has been placed under detention for 19 months, and the authorities have not



Cheng Lei's children remain in Australia while she is detained in China

revealed any details of the allegation against Cheng to date. The IFJ expresses concern over the lack of transparency over the case and demands that the Chinese government drop its arbitrary charge against Cheng and release her immediately so she can return home to Australia.”²¹⁵

On March 30, 2022, the eve of Cheng Lei’s trial, MEAA join with the National Press Club Washington DC, the National Press Club in Canberra and the International Federation of Journalists Asia-Pacific in a statement of support for Cheng Lei. The statement said:

“Washington, D.C. / Canberra... US and Australian press leaders on Wednesday strongly condemned the ongoing detention and secretive prosecution of journalist Cheng Lei, an Australian citizen and mother of two children, who was previously a high-profile business news anchor on China’s state-owned TV channel CGTN. Lei, who earlier in her career worked for CNBC, is scheduled to be tried in a closed court hearing in

Beijing on Thursday, March 31 after being held in prison for 19 months.

“She has been denied contact with her 10-year-old and 12-year-old children. She is being held on dubious charges that have yet to be substantiated with any evidence. At this point, it is unclear if Australian consular staff will be allowed to attend the court hearing.

“The National Press Club (Washington DC) joined with the Media, Entertainment & Arts Alliance (MEAA) of Australia, the National Press Club (Australia) and the International Federation of Journalists (IFJ) in calling on Chinese authorities to conduct a fair, open and public trial for Cheng Lei, who has been accredited with the International Federation of Journalists since 2009.

“MEAA members stand with Cheng Lei. We have urged the Chinese government to show compassion by allowing her to return to Australia and we condemn her arbitrary detention and the secretive

trial process she has endured,’ Federal President of MEAA’s media section, Karen Percy said.

“National Press Club (DC) President Jen Judson and National Press Club Journalism Institute President Gil Klein expressed their deep concern over the lack of due process in Cheng’s case, which has been conducted largely in secret: ‘Why have the accusations against Ms. Cheng never been explained and why has she been denied proper access to legal representation? We call for her immediate release.’

“Cheng Lei is one of many journalists who are facing detention and long prison sentences in China over frequently spurious charges as the country is witnessing an increased crackdown on press freedom. Numerous western journalists have been expelled from China.

“We regard the treatment of Cheng Lei as a grave threat to an Australian journalist. We call for her release from



detention so she can return to Australia and her family,' said National Press Club president Laura Tingle.

"IFJ Asia Pacific Regional Director, Jane Worthington, said: 'We are extremely concerned at the Chinese government's unstipulated allegations against Cheng Lei and the complete lack of transparency surrounding her detention over the past 19 months. The IFJ expresses our grave concern at Cheng Lei's treatment and calls for all charges to be dropped immediately so she may return home to her family in Australia.'"²¹⁴

On March 31, 2022, Cheng Lei's trial took place behind closed doors at the Beijing No. 2 Intermediate People's Court. The Australian Ambassador to China was refused entry to the trial. The court deferred its verdict at the end of the proceedings, so the verdict and any possible jail term remain unknown for now.²¹⁵

"Australian foreign minister, Marise Payne, confirmed that the court had deferred its verdict, adding: 'The Australian government respects the sovereignty of China's legal system. However, Ms Cheng's case has lacked transparency and the Australian government has never been provided with details of the charges.'"

News reports said: "The charge Cheng is facing usually carries a sentence of five-10 years but, depending on how severe the court deems the accusation, she could receive any term – from time served, to life in prison.

"Outside the No 2 intermediate people's court in Beijing earlier on Thursday, uniformed and plain-clothed police officers had roped off the entrance and checked the identification of journalists before moving them away, reporters at the scene said.

"A court official told the Australian ambassador in Beijing, Graham Fletcher, that he could not be admitted because the case involved 'state secrets' so the trial could not be public. 'This is deeply concerning, unsatisfactory and regrettable,' Fletcher said. 'We can have no confidence in the validity of a process which is conducted in secret.'

"Payne also expressed concern at the

decision to bar Fletcher. 'The continuing lack of transparency is concerning and further undermines confidence,' she said. "Since Ms Cheng was detained in August 2020, the Australian government has consistently stated the fundamental importance of procedural fairness, basic standards of justice and China's international legal obligations."²¹⁶

JULIAN ASSANGE

In the context of the Russian invasion of Ukraine and the condemnation of the Russian military's targeting killing of civilians including journalists,²¹⁷ it is important to recall another war crime from another war.

On Thursday July 12, 2007, Reuters photographer Namir Noor-Eldeen, 22, and driver Saeed Chmagh, 40, were killed in Baghdad.

At the time, Reuters said: "An Iraqi photographer and driver working for Reuters in Iraq were killed in Baghdad on Thursday in what witnesses said was a US helicopter attack but which the military described as a firefight with insurgents. The US military said the pair died after a clash between its troops and insurgents... US and Iraqi forces engaged 'a hostile force' after coming under fire and attack aircraft were called in. Nine insurgents and two civilians were killed, the military said. The 'two civilians were reported as employees for the Reuters news service,' it added."²¹⁸

Four days later, on July 16, 2007, Reuters asked the US military to conduct a full and objective investigation into the killing after evidence emerged casting doubt on explanations given for their deaths.²¹⁹ At a meeting with the US military Reuters was shown part of a video taken of the incident. "Reuters asked for the entire video. The general refused, saying Reuters had to seek it under freedom of information laws. The agency did so, but its requests were denied."²²⁰

Dean Yates, who was oversaw the Reuters bureau in Baghdad at the time, told The Guardian in a 2020 interview: "[The US generals] described a group of men spotted by this Apache [attack helicopter]. Some appeared to be armed and Crazy Horse 1/8 ... had requested permission to fire because we were told these men were 'military-aged males' ... and they appeared to have weapons and

they were acting suspiciously. So, we were told those men on the ground were then 'engaged'.²²¹

"For all the countless words from the United States military about its killing of the Iraqi Reuters journalists [Yates] has two of his own: 'All lies.'"

Three years after the shooting, on April 5, 2010, WikiLeaks released the video which it had obtained and decrypted. WikiLeaks, which describes itself as a "international non-profit organisation that publishes news leaks and classified media provided by anonymous sources", called the video *Collateral Murder*.²²² The video depicted the indiscriminate slaying of at least a dozen people including Saeed and Namir and the wounding of two children, in the Iraqi suburb of New Baghdad.²²³

The video, shot from the gun camera of an Apache attack helicopter, shows a group of 10 men. The US helicopter crews thought one of the men, Reuters photographer Namir, was carrying a weapon; however, it was his camera.

A helicopter sought permission to engage which was granted. Two Apaches with the call signs Crazy Horse 1/8 and Crazy Horse 1/9 opened fire with 30mm cannon killing seven of the 10 men, including Namir.

Saeed was wounded and crawled a short distance and tried to stand. A minivan had been driving nearby and it pulled up next to Saeed and tried to evacuate the wounded.

In a second engagement the van was fired upon; the minivan driver was killed, and his two children in the van were seriously wounded. Saeed died later in hospital.

WikiLeaks' release of the video triggered an outcry over the lack of care by the US military to ensure strict rules of engagement ensured that civilians were properly identified and not fired upon.

WikiLeaks said: "After demands by Reuters, the incident was investigated, and the US military concluded that the actions of the soldiers were in accordance with the law of armed conflict and its own 'Rules of Engagement'. As a consequence, WikiLeaks released the classified Rules



About 100,000 of the leaked cables were labelled “confidential”, about 15,000 had the higher classification “secret”. None were classified as “top secret”.²²⁶

In 2011 WikiLeaks received the Walkley Award for Most Outstanding Contribution to Journalism in recognition of the impact WikiLeaks’ actions had on public interest journalism by assisting whistleblowers to tell their stories. The Walkley judges said WikiLeaks applied new technology to “penetrate the inner workings of government to reveal an avalanche of inconvenient truths in a global publishing coup”.²²⁷



WikiLeaks released more documents, sometimes in conjunction with leading media outlets, that revealed how the US military had killed hundreds of civilians in unreported incidents during the war in Afghanistan. Leaked Iraq war files showed 66,000 civilians had been killed, and prisoners tortured, by Iraqi forces. The US said the leaks broke the law and claimed they had endangered lives.²²⁸

Nine years later, on April 11, 2019, WikiLeaks’ publisher Julian Assange was forcibly removed from the Ecuadorian Embassy in London. Later that day he was charged by the US with conspiring to hack into a secret Pentagon computer network. The criminal indictment accused Assange of working with Chelsea Manning, then a US army intelligence analyst, to break into the US Defence Department network in March 2010 to obtain classified documents. Assange was charged with one count of conspiracy to commit computer intrusion under the US *Computer Fraud and Abuse Act*; the charge carries a maximum sentence of five years in prison if convicted.

Top: Permission is granted to open fire on a group of civilians including two Reuters journalists | US Department of Defence via WikiLeaks; Above: An Apache helicopter gunship prepares to open fire on the minivan | US Department of Defence via WikiLeaks

of Engagement for 2006, 2007 and 2008, revealing these rules before, during, and after the killings.

WikiLeaks explained: “WikiLeaks obtained this video as well as supporting documents from a number of military whistleblowers. WikiLeaks goes to great lengths to verify the authenticity of the information it receives. We have analysed the information about this incident from a variety of source material. We have spoken to witnesses and journalists directly involved in the incident.

“WikiLeaks wants to ensure that all the leaked information it receives gets the attention it deserves. In this particular case, some of the people killed were journalists that were simply doing their jobs: putting their lives at risk in

order to report on war. Iraq is a very dangerous place for journalists: from 2003- 2009, 139 journalists were killed while doing their work.”²²⁴

On November 28, 2010, and on into December that year, WikiLeaks also began releasing leaked US State Department diplomatic cables in full collaboration with numerous media outlets in several countries, including *The Sydney Morning Herald* and *The Age*.

The diplomatic cables originated from Siprnet (Secret Internet Network), a closed network of the US Department of Defence. US Embassies worldwide were plugged into Siprnet in an effort to increase information sharing.²²⁵ Documents were available on Siprnet for more two million people including all military staff.

On May 23, 2019, the Department of Justice announced it had brought an additional 17 criminal charges under the *Espionage Act* for unlawfully obtaining and disclosing national defence information.²²⁹ The new charges related to receiving and publishing classified defence documents on the WikiLeaks website and in collaboration with major publishers including *The New York Times*, and *The Guardian*.

Because the new charges are made under the *Espionage Act*, they go far



PRESS FREEDOM ABROAD

beyond the initial single charge made against Assange in April.

If Assange, who remains in jail in the United Kingdom, is extradited to the US and found guilty, he faces up to 175 years in a US prison.

While opinions about Assange the individual may be mixed, the US charges against him, and their scope and global reach, represent a massive threat to press freedom, for journalists and media outlets everywhere.

In mid-2019 MEAA, and the editors and media outlets that worked with Assange to report the many of government activities exposed by the leaks, condemned the US indictment – particularly its scope to ensnare journalist anywhere.²³⁰

The Walkley Foundation board said: “In 2011, Wikileaks, with Julian Assange as its editor, received a Walkley Award in Australia for its outstanding contribution to journalism. Walkley judges said Wikileaks applied new technology to ‘penetrate the inner workings of government to reveal an avalanche of inconvenient truths in a global publishing coup. One of those many inconvenient truths was the exposure by video of US helicopter attacks in Baghdad that killed 11 civilians including two Reuters journalists.

“Julian Assange’s personality and his more recent actions do not weaken the principle driving the Walkley Foundation’s concerns in this matter: that when he released the original Wikileaks material in 2010 Assange was assisting a whistleblower to reveal information in the public interest.

“Given the potential adverse impact of this extradition attempt on a free, healthily functioning media, the Walkley Foundation Board urges the British and Australian governments to oppose Julian Assange’s extradition to the United States.”²³¹

In its 2019 statement, MEAA cited comments that mirrored its concerns about the US indictment.²³² Alan Rusbridger, the former editor of *The Guardian* who had worked with Assange, said: “... the attempt to lock [Assange] up under the *Espionage Act* is a deeply

troubling move that should serve as a wake-up call to all journalists.”

The *Washington Post* said: “The [Trump] administration has gone from denigrating journalists as ‘enemies of the people’ to now criminalising common practices in journalism that have long served the public interest.”

Joel Simon, the former executive director of the Committee to Protect Journalists, said: “Equating the publication of classified information with espionage also strengthens the hand of repressive governments who routinely jail journalists for publishing information they wish to keep secret.”

The International Federation of Journalists, which represents 600,000 media professionals from 187 trade unions and associations in more than 140 countries (including MEAA), said: “... this indictment would criminalise journalistic inquiry by setting a dangerous precedent that can be abused to prosecute journalists for their role in revealing information in the public interest. By following this logic, anyone who publishes information that the US government deems to be classified could be prosecuted for espionage.”

MEAA added that the extradition of Assange and his prosecution by the United States for what are widely considered to be acts of journalism would set a disturbing global precedent for the suppression of press freedom.

These concerns yielded no result, and the extradition process continued in British courts with Assange’s defence challenging aspects of the US indictment and raising fears about his health should he be sent to the US. In January 2021, a court ruled against his extradition on health grounds, accepting medical evidence that Assange would be at risk in US custody.²³³

MEAA noted that Assange had suffered a 10-year ordeal for trying to bring information of public interest to the light of day, and it had had an immense impact on his mental and physical health.

MEAA added, “But we are dismayed that the judge showed no concern for press freedom in any of her comments today, and effectively accepted the

US arguments that journalists can be prosecuted for exposing war crimes and other government secrets, and for protecting their sources.

“The stories for which he was being prosecuted were published by WikiLeaks a decade ago and revealed war crimes and other shameful actions by the United States government. They were clearly in the public interest.

“The case against Assange has always been politically motivated with the intent of curtailing free speech, criminalising journalism and sending a clear message to future whistleblowers and publishers that they too will be punished if they step out of line.”

MEAA called on the US government to drop all charges against Julian Assange and for the Australian government to expedite his safe passage to Australia if that is his wish.

On March 14, 2022, the British Supreme Court refused to Julian Assange another appeal against extradition to the US by saying his application did not raise “an arguable point of law”.

The British Home Secretary Priti Patel was expected to make a final decision on Assange’s extradition to the US. If she approved the extradition Assange could make a fresh challenge.²³⁴

On March 15, 2021, MEAA informed its Media section members: “MEAA stands with Assange and his supporters in continuing to demand that the US government drop these charges, which are an attack on the principles of press freedom and allow him to come home to his country of birth.”

On April 11, 2022, MEAA marked the third year Assange has been imprisoned in Britain calling on Australia to “step up diplomatic efforts” to encourage the US government to drop its bid to extradite Assange.²³⁵ “The WikiLeaks founder and publisher has been held at Belmarsh Prison near London... where his mental and physical health has deteriorated significantly.

MEAA called on the Biden Administration to drop the charges against Assange, “which pose a threat to press freedom worldwide. The scope of the US charges imperils any journalist



anywhere who writes about the US government...”

“Julian Assange’s work with WikiLeaks was important and in the public interest: exposing evidence of war crimes and other shameful actions by US soldiers in Iraq and Afghanistan. The stories published by WikiLeaks and its mainstream media partners more than a decade ago were picked up by news outlets around the world.

“The charges against Assange are an affront to journalists everywhere and a threat to press freedom.”

The US government has not produced convincing evidence that the publishing of the leaked material endangered any lives or jeopardised military operations,

but their lasting impact has been to embarrass and shame the United States.

“The case against Assange is intended to curtail free speech, criminalise journalism and frighten off any future whistleblowers and publishers with the message that they too will be punished if they step out of line. The US Government must see reason and drop these charges, and the Australian Government should be doing all it can to represent the interests of an Australian citizen,” MEAA said.

Finally, it’s important to note that media outlets around the world were quick to work jointly with WikiLeaks. Together, traditional media outlet and WikiLeaks sorted, analysed and reported the leaked material. In November 2010,

Australia’s *Sydney Morning Herald* and *The Age*, *The Guardian* in the UK, *The New York Times* in the US, *El Pais* in Spain, *Le Monde* in France and *Der Spiegel* in Germany collaborated with WikiLeaks, and many went on to do so again on several occasions. They knew the information was a leak from the US government and came from a whistleblower whose identity had to be protected. They justified their publication of the leaked information, synchronised with WikiLeaks, as an act of public interest journalism – the public has a right to know what our governments do in our name.

None of these media outlets has been cited in any US government legal actions as a result of this collaboration with WikiLeaks.²⁵⁶



Journalists targeted

In the introduction to its list of journalists killed in 2021, the International Federation of Journalists said: “Afghanistan which tops the list of the most dangerous countries in the world with nine killings. It was also there where the plight of journalists and other media professionals was on full display after the collapse of the government in Kabul and the triumphant return of the Taliban. Thousands of media workers scrambled to escape the extremist movement which never hid their intolerance of journalists and openly claimed responsibility for many deadly attacks on reporters.

“Women journalists had most to fear from the extremists’ rule based on their denial of women’s rights. While those lucky enough to reach safety outside the country are left contemplating the loss of a career in journalism built over many years and hardship, far more remain in Afghanistan and continue to live in fear for their lives. Female colleagues have all but lost hope of returning to their work.

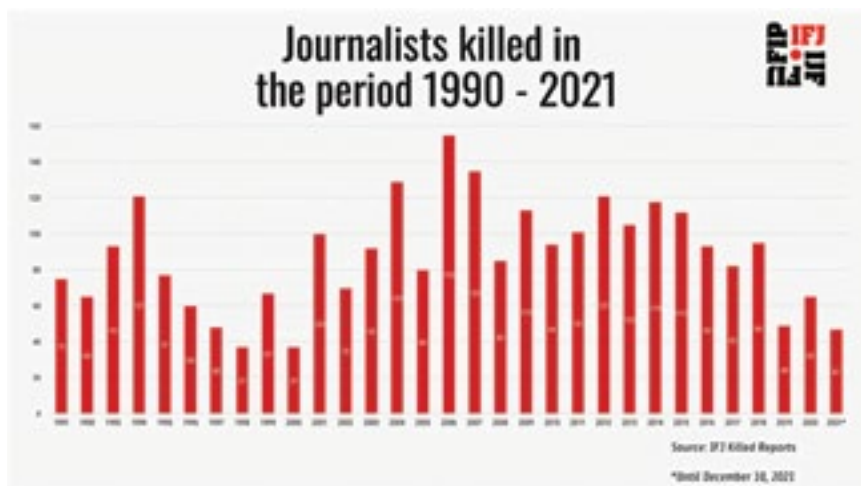
“It is not only in Afghanistan where a shadow of violence hangs over journalists and media staff. Militant groups killed [our] colleagues in Somalia and Burkina Faso. Others in Mexico continue to face the reign of terror from organised crime and drug barons who were behind the killings of eight media professionals. Still more were killed in India and Pakistan due to sectarian violence, while others died while covering armed conflict in Ethiopia and Azerbaijan.

“There were also killings in Bangladesh, Colombia, Democratic Republic of Congo, Georgia, Greece, the Netherlands, Philippines, Kenya, Turkey and Nigeria.

IFJ Killed Journalists Annual list



IFJ Jailed Journalists Annual list





Clockwise from above: Sky News producer Dominique Van Heerden runs for cover after her news crew was ambushed by a Russian saboteur squad; In a final act of defiance, ‘No to War’ is the final sign-off as Rain TV staff depart their station after a new law makes it impossible for them to report the truth about the Russian invasion of Ukraine; Rain TV briefly broadcast an excerpt from Swan Lake which USSR State-run TV stations ran during the failed coup in 1991

“With the exceptions of a few cases, where these crimes are investigated and those behind them are held to account, the culture of impunity continues to shield perpetrators and masterminds from accountability for these killings, denying victims of justice and fuelling more violence against media.

“The decrease in the number journalists’ killings recorded in 2021 was partly due to the decline in armed conflicts

but also to the increasing reluctance of journalists to cover them. While it is a truism that no story is worthy of a journalist’s life, it also remains true that less coverage of these events deprives the public of the context which can help them better understand their root causes and impact on those living through them. This, in turn, can inform the position of the people on whether to support policies of their governments leading to wars.

“This was also a year which saw a record numbers of journalists in detention, with 365 behind bars because of their reporting, a considerable increase from 235 recorded last year. This onslaught on press freedom has had a chilling effect on media independence. In many cases, journalists have been arrested and accused of wrongdoing for simply covering protests or trying to report on the coronavirus crisis, all of which were issues of significant public interest.”²³⁷



“...the Russian parliament, in an extraordinary session of both chambers, approved a new law that effectively makes my job as a journalist a criminal offense punishable by up to 15 years in prison for spreading ‘false information’ about Russia’s ‘special military operation’ — that is, for covering it factually, starting with calling it a war. It’s now illegal to quote any sources other than Russia’s Defence Ministry — which is claiming, among other things, that reports of civilian casualties in Ukraine are fake because Russia’s army is only precision-striking military targets, and anyway Ukrainians are bombing themselves to accuse Russia of war crimes.”²³⁸

ALEXEY KOVALEV, INVESTIGATIVE EDITOR AT MEDUZA, AN INDEPENDENT RUSSIAN NEWS SITE

UKRAINE AND RUSSIA

Reporting wars carries immense dangers for journalists. Working as a civilian carries no protection when trying to report a war as close to the front line as possible. The Geneva Conventions and their Additional Protocols, provides that “journalists are entitled to all rights and protections granted to civilians in international [and non-international] armed conflicts”.²³⁹

Journalists soon came under fire in the opening days of the Russian invasion of Ukraine. Reporters Sans Frontieres said on March 8, 2022: “The shots came within centimetres of Swiss photographer Guillaume Briquet’s head when presumed members of a Russian special commando fired on him shortly after he passed a Ukrainian checkpoint on a road towards the southern city of Mykolaiv on March 6, while covering the Russian advance in the region. Despite the many ‘Press’ markings on his car and his bulletproof vest marked ‘Press,’ this experienced war reporter was then harassed by the soldiers, who stole 3000 euros and reporting equipment from him.

“As this incident clearly illustrates, reporters in the field are targets for belligerent individuals despite all the rules protecting journalists,” said Jeanne Cavalier, the head of RSF’s Eastern Europe and Central Asia desk. “They are civilians, who are keeping the world informed about the progress of the fighting. They must be able to work safely. We therefore call on all parties to the conflict to immediately commit to protecting journalists in the field in accordance with international law.

We also recommend that journalists exercise the utmost caution in the light of the many attacks by Russian commandos sent ahead as scouts.”²⁴⁰

However, within weeks of the Russian invasion, at least six journalists and filmmakers were killed as they worked. Another was killed while he sheltered with his family from a Russian bombardment. The bodies of two more were found after Russian troops had withdrawn from northern Ukraine. Several media workers were wounded and there were accounts that some journalists were abducted by Russian forces²⁴¹ and tortured²⁴² before being returned to Ukrainian lines.

The Committee to Protect Journalists believed that, from the launch of the Russian invasion of Ukraine on February 24, 2022 to April 13 2022, at least nine journalists had been killed:

- Yevheniy Sakun, a Ukrainian cameraman for LIVE TV was killed on March 1, 2022, during a rocket attack on the TV tower in Kyiv.
- Ukrainian journalist Viktor Dedov died on March 11 in Mariupol after his flat was bombed.
- Brent Renaud, a US journalist was shot dead in Irpin, on March 13.
- Pierre Zakrzewski, Fox News camera operator, and Ukrainian journalist Oleksandra “Sasha” Kuvshynova, were killed on March 14 while reporting from Horenka.
- Russian journalist Oksana Baulina was killed after coming under Russian shellfire while she filmed destruction at a shopping centre in Podil district in Kyiv, on March 23.
- Lithuanian documentary film-

maker Mantas Kvedaravicius was killed in Mariupol, Ukraine, by Russian forces on April 2, 2022, as he attempted to leave the city.

- Ukrainian photojournalist Maks Levin was found dead in Kyiv on April 1.
- Roman Nezhbyborets, video technician with TV broadcaster Dytynets, was discovered, on April 6, buried in the northern Ukrainian village of Yahidne. He had gunshot wounds to his knees and his hands were tied. His mother said Russian forces caught him calling her on March 5 and took him away.
- Zoreslav Zamoysky was found on a street in Bucha.²⁴⁵

An International Federation of Journalists’ affiliate, the National Union of Journalists of Ukraine, reported on April 9 that one its members, 78-year-old Yevhen Bal, a retired journalist and writer, had been tortured by “Russian occupiers” and had died.²⁴⁴

On March 17, 2022, the United Nations Educational, Scientific and Cultural Organisation (UNESCO) announced new emergency measures to protect journalists in Ukraine, assist displaced Ukrainian journalist unions to continue their work and support the free flow of information about the war, and it would help provide training for journalists working in conflict zones.²⁴⁵

The organisation announced it would send an initial batch of 125 sets of personal protective equipment, including helmets and body armour, that would be distributed by Reporters Sans Frontieres (RSF) as well as training

materials on hostile environments. The Lviv Press Freedom Centre would operate as a reception and distribution hub, and the physical and digital centre would also provide resources to journalists seeking financial or psychological assistance.²⁴⁶

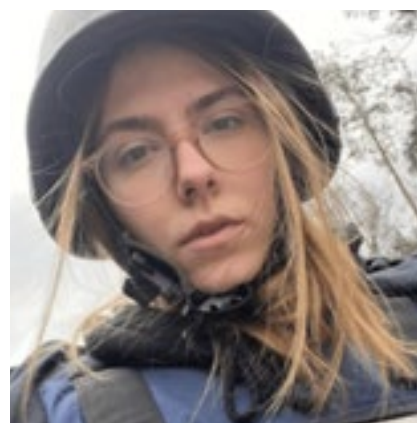
The training included UNESCO translating its training manual for journalists on working in hostile environments into Ukrainian. It would also organise online courses in Hostile Environment and First Aid Training (HEFAT) as well as training about the psychological trauma associated with operating in a conflict zone, in partnership with International Federation of Journalists (IFJ) and RSF. UNESCO would also help support efforts to establish in-person training.

UNESCO said it would also provide funding so that trained professionals could operate a 24-hours a day hotline set up by National Union of Journalists of Ukraine, which journalists could call if they need assistance to evacuate from a danger zone.

The situation for independent Russian journalists reporting in their country is also dire. Alexey Kovalev, the investigative editor at independent Russian news website Meduza, said: “As of March 4, 2022, there is no independent media in Russia. This is not an exaggeration: The few independent outlets that remained operational after years of government-led pressure and harassment were either blocked by Russia’s censors, were declared illegal or dissolved themselves. No one was spared...”²⁴⁷

The Russian independent broadcaster Dozhd TV announced during a live broadcast on March 3, 2022, that it would suspend its operations after Russia’s media regulator blocked its website for spreading “deliberately false information about the actions of Russian military personnel.” Dozhd TV had used the word “invasion” to report on Russia’s war in Ukraine instead of the Russian government’s official phrasing of a “special military operation.” The editor fled the country to an undisclosed location.²⁴⁸

On March 29, 2022, having won the Nobel Peace Prize just five months earlier, the editor-in-chief of *Novaya*



Clockwise from above: Irish camera operator Pierre Zakrzewski was killed by Russian fire; US journalist Brent Renaud was shot by Russian soldiers in the Ukrainian city of Irpin; Russian independent journalist Oksana Baulina killed by Russian rockets in Kyiv while reporting on damage inflicted by Russian fire. She had worked for Alexi Navalny’s anti-corruption foundation; Ukrainian journalist Roman Nezhyboret was recently found dead after Russian troops withdrew from Yahidne | *Antonina Nezhyboret*; Oleksandra ‘Sandra’ Kuvshynova, a Ukrainian producer for Fox News, was killed on March 14, 2022, while reporting from Horenka near Kyiv



NATALIA DEDOVA REPORTS THAT HER HUSBAND VIKTOR HAS BEEN KILLED

On March 11, 2022, the cameraman for the Sigma TV channel, Viktor Dedov, was killed by Russian shelling in Mariupol.²⁵² His body could not be recovered as his home caught fire. His wife, Natalya, was unable to flee Mariupol for nine days; only once she was safe could she report his death on a friend's Facebook page.

Written by me, Natalya Dedova. March 20 at 17:54. Nine days ago, on March 11, at noon, my world collapsed. Two [shells]. The first into our bedroom. Me and mum there. The second one into our kitchen. Vitya is in there... Carotid Artery. Vitya lives for about a minute, reaches the corridor and forever becomes our bright Angel...

The building is on fire. It burns for several days. Burning with my best, brightest, kindest and most loved person. And from helplessness the heart breaks into pieces. Powerlessness makes you cry and cry. Crying and crying again... I don't know how to live without him now...

Thank you for the love, my best Master of the World. My best photographer ever. My best colleague...²⁵³

Gazeta Dmitry Muratov had to suspend the newspaper's operations after a second warning from the state media watchdog, Roskomnadzor. The day before Muratov had spoken with the Ukrainian president, Volodymyr Zelenskiy, in a group interview with other Russian journalists but the story was quickly banned by the state media watchdog.²⁴⁹

Muratov told his staff: "For us and, I know, for you, this is a terrible and difficult decision. But we need to save us for each other."²⁵⁰

Muratov was subsequently attacked on a train from Moscow. He was doused in red paint and acetate solvent by two attackers who shouted "Muratov, here's to you for our boys."²⁵¹

TRUTH-TELLING AND THE LANGUAGE OF WAR

The Organisation of News Ombudsmen and Standards Editors (ONO), comprising news ombudsmen, readers' representatives and standards editors from around the world – its executive director is the former editorial director of the Australian Broadcasting Corporation, Alan Sunderland – republished an open letter on coverage of the Russian invasion of Ukraine. The letter was signed by 20 Ukrainian media organisations and 18 Ukrainian reporters, photographers, media managers and communication professionals.²⁵⁴

The letter carried recommendations for media on how to report the war truthfully as well as identifying misinformation and disinformation campaigns. They wrote:

"Information warfare and disinformation academics and experts warn that Russian tactics, perpetuated by its supporters here in the West and abroad, have one objective: to divide, deceive, sow doubt and create enough distrust of information that people do not know what to believe, and question even the most well-evidenced facts. "They will play on the truths we tell

ourselves and promises which go unkept. They will attack sentiments shared by, and within, ethnic, gender, linguistic and socio-economic groups. Disinformation aims to oversimplify existing issues and turn victims into perpetrators.

"We see this already with Russians supporting this war believing they are fighting NATO and "neo-Nazis" in Ukraine. We have seen it in the past with disinformation targeting the Syrian refugee crisis in Europe and the truth behind the downing of flight MH-17 in 2014.

"A full and truthful account of this war is pivotal to defeating Russia's information war, consisting of propaganda and manipulation targeted at Ukraine and at liberal democratic countries and institutions.

"Therefore, we believe that the public needs to be aware of how Russia will manipulate the effects of this war. They will attempt to weaponise behaviours which contradict our collective values, such as double standards towards refugees and racial discrimination against minority groups. They will attempt to hyper-charge the rise of nationalist movements, in order to deflect the blame from Russia to Ukraine, NATO and Europe.

"We believe that it is important to raise these issues now, to allow for a civilized and open discourse on how to collectively tackle these and future issues which undoubtedly will arise from this war."

The letter sought to highlight five areas regarding about the language used to describe the war. In summary, these were:

1. "A common error is to use terms like "crisis", "conflict" or "military operation", or call it "Ukrainian" i.e., "Ukraine Crisis" or "Ukraine conflict". This is a full-scale invasion of, and war against, Ukraine.

2. At the same time, we ask not to overuse the phrase “Putin’s war” ... During the first week of the war, public support for Putin in Russia grew from 60 to 71 percent. Russian soldiers on the ground are firing missiles and bombs, and deliberately killing civilians. Many of them do not have access to the facts and to independent media, but this does not take responsibility away from them.
3. Many refer to the 2014 pseudo-referendums in the Ukrainian territories of Crimea and Donetsk and Luhansk Oblasts as explanations for Russian military aggression. This is misleading... The pseudo-referendums and proxy republics are not recognised by the international community... The current escalation demonstrates Russia’s desire to control the whole of Ukraine, and these “republics” are used as a platform for full-scale invasion and a tool for propaganda and disinformation.
4. Another common error we observe is to report Ukrainian and Russian positions as “two equal perspectives”. Russian positions are based on lies, propaganda and denial of the existence of Ukraine as a nation and state.
5. The narrative that characterizes the war as a proxy one between Russia and the West denies Ukrainian agency – something that the Ukrainian people’s resistance to invasion clearly demonstrates.”

AFGHANISTAN

The International Federation of Journalists (IFJ), in its *2021 Killed List* annual catalogue of the murder of media workers said: “Afghanistan continues to be the Asia Pacific region’s most deadly nation, and one of the least secure locations for journalists across the globe. The International Federation of Journalists has recorded the deaths of 93 journalists since the conflict began in 2001.”²⁵⁵

In 2021 nine journalists were killed in Afghanistan. It is there where the plight of journalists and other media

professionals is on full display after the collapse of the government in Kabul and the return of the Taliban.

In February 2022, the IFJ reported that, according to a survey by IFJ-affiliate Afghanistan National Journalists Union (ANJU), thousands of journalists and media workers, especially women, had lost their jobs. Hundreds of media outlets had been forced to close due to economic collapse, threats and draconian reporting restrictions since the Taliban came to power.²⁵⁶

The survey, conducted across 33 provinces, showed that 318 media outlets had closed since August 15, 2021. Just 305 of the 623 outlets that were active before the Taliban took control were still operating.

The crisis hit newspapers the hardest with just 20 out of 114 continuing to publish. Fifty-one TV stations, 132 radio stations and 49 online news websites had ceased operations.

The collapse of the media industry and threats against journalists meant that just 2334 journalists were still working, down from a pre-Taliban high of 5069. Just 243 women media workers were still employed after 72% of women journalists had lost their jobs.²⁵⁷

On March 28, 2022 – seven months after the Taliban captured Kabul – the BBC reported that the Taliban had insisted the media could report critically, “as long as they bear Islamic ‘values and national unity’ in mind”. However, reporters have at times been detained or beaten as a result of their coverage and many Afghan journalists fled the country after the group took power last year.”

See more in the chapter Press Freedom in the Asia-Pacific.

MEXICO

According to the Committee to Protect Journalists, 62 Journalists have been killed in Mexico between 1992 and 2022, 58 of them have been murdered.²⁵⁸ At the end of 2021, the International Federation of Journalists said 15

journalists had been killed in the Americas and 10 of those were murdered in Mexico, the most dangerous country in the continent and one of the most dangerous in the world.²⁵⁹ Some had been abducted before being killed.²⁶⁰

In the first eight weeks of 2022, seven journalists had been killed.²⁶¹

The IFJ said: “The structural violence against journalists in México is far from being solved. The organized crime groups have the control over the territory, many times in collusion with the local authorities, and the critical voices of community journalists keeps being silenced.

“The impunity rates are alarming: 95 per cent of the murders remain unsolved and there are no convicted suspects. Even though some of the most emblematic cases have reached justice this year, the vast majority never even gets to a trial.”²⁶²

The Inter American Press Association (IAPA) condemned the murder of the seventh journalist Juan Carlos Muñiz, 36, who was killed on March 4 in Fresnillo, Zacatecas state. Muñiz covered police matters for Testigo Minero’s new website, worked with several radio stations, and drove a cab as an alternative job.

The IAPA said: “According to local media, subjects in another car shot him in the cab. The press condemned the crime and demanded justice. IAPA President Jorge Canahuati expressed his ‘indignation at yet another cowardly murder that once again provides cause for mourning for the journalistic family of our continent.’ Canahuati... urged the authorities to ‘stop the unpunished violence’ faced by Mexican journalism.”²⁶³



Press freedom in the Asia-Pacific region

BY **JOHN TROUGHTON**, INTERNATIONAL FEDERATION OF JOURNALISTS

INTRODUCTION

In a year of immense international turmoil, only heightened by the second and third devastating waves of the COVID-19 global pandemic, press freedom in the Asia Pacific came under deadly attack. The region has seen a sharp decline in the safety and rights of journalists as new regimes became entrenched and legislation was passed to limit the ability of media workers and organisations to report freely and independently.

The 12 months to March 31, 2022, brought mounting incidents of arrest, detainment and violence against media personnel and human rights defenders. In particular, the military coup in Myanmar on February 1, 2021, and the Taliban's capture of Kabul in August, have seen unprecedented setbacks to the rights of media workers and safeguards on freedom of press, speech, and expression. The progress that had been slowly made in both nations due to the hard work of journalist communities, unions and press freedom organisations, was effectively obliterated, seemingly overnight. The military junta, the Taliban's desecration of the democratic process, and the introduction of internet and media restrictions have seen the destruction of independent media.

As restrictions mount and regimes entrench themselves, many nations have witnessed a mass exodus of human rights defenders and activists. For people working in news media, the catastrophic Delta and Omicron

waves of COVID-19, and restrictions by states attempting to control pandemic narratives, have corresponded with huge numbers of media workers facing redundancies, salary cuts, denials of personal protective equipment and significant health risks, as they continued to report on the frontline.

Journalists in South Asia accounted for more than a quarter of COVID-19 related deaths of media workers worldwide, which was attributed to a lack of adequate safety measures and vaccine delays.

The reach of China's media control was extended, with press freedom in Hong Kong now all but eliminated. After the *National Security Law's* implementation in 2020, Hong Kong's reputation as a bastion of press freedom in Asia has sharply declined, with a trend toward emigration that is symptomatic of citizens' loss of faith in their society and its institutions.

In the lead up to the 2022 Winter Olympic Games in Beijing, China "continuously stymied" foreign journalists in their coverage and denied attendance at routine events. Arrests and enforced disappearances are increasingly used by the Chinese government to suppress political dissent, and journalists, activists, unionists, and leaders are often targeted.

The Asia Pacific region remained the world's most deadly workplace for journalists. Although the IFJ recorded

a decline in the number of media personnel killed in the line of duty – with 17 killings in the period, down from 32 – the incidence of attack, harassment, assault, intimidation, censorship and detainment rose dramatically.

Despite these immense and often immeasurable challenges, the International Federation of Journalists (IFJ) has continued to work closely with every IFJ-affiliated journalist and media organisation to combat crimes against journalists, oppose censorship and media restrictions, and ensure the beacon of press freedom remains lit in the Asia Pacific.

IFJ CAMPAIGNS

The IFJ has been running numerous projects and campaigns across the Asia-Pacific, addressing the issues that confront its affiliate organisations, and advocating for the rights of media workers globally.

The IFJ continued to expose and combat China's global media strategy ahead of the Beijing Winter Olympic Games, with research spanning across Asia, Africa and South America and the strengthening of networks of journalists in the region.

Strengthening representation of women and young members in unions was a focus in Indonesia, Cambodia, Pakistan and Sri Lanka.

Understanding the impacts of digitalisation, on media, security



Afghans wait to depart from Kabul airport on August 16, 2021, | *Wakil Kohsar AFP courtesy of IFJ*

and organising, was a focus in Nepal, the Philippines, Sri Lanka, India and Cambodia.

Strengthening women’s representation in unions amid the backdrop of an evolving digital media landscape was a focus for the IFJ in Pakistan, India, Sri Lanka and Nepal.

Across the Pacific, IFJ affiliates in Vanuatu, Fiji, Samoa and the Solomon Islands developed strategies to strengthen the capacity of local journalists.

COUNTRIES IN CRISIS

AFGHANISTAN

Afghanistan’s media has faced one of its bleakest years in history. Since the Taliban assumed control of the country in August 2021, an estimated 6000 journalists have fled Afghanistan and taken refuge across the globe. At least six journalists have been killed due to their work and countless more have suffered intensifying threats, harassment, intimidation, and violence.

As many as 318 media outlets have shuttered since the Taliban gained

control according to research conducted by the Afghanistan National Journalists Union (ANJU), and at least 67% of journalists and media workers have been rendered jobless. Only 305 of the 623 media organisations active before the beginning of the Taliban regime are still operating.²⁶⁴

The few media organisations that remain are forced to broadcast content that adheres to the Taliban’s political, social and religious demands. Access to information remains limited, censorship is rife, and press freedom is almost non-existent. While the seven months since the Taliban assumed control of Kabul saw a decrease in the number of assassinations and armed attacks on journalists, the rates of harassment, assault and imprisonment have significantly increased.

Impunity for crimes against journalists remains of great concern in Afghanistan, with well-founded fears that the introduction of the new regime will mean that historic violence and murders of journalists will never be investigated, and justice will never be achieved. According to the IFJ’s documentation,²⁶⁵ between 2010 and 2021, 87 Afghan journalists had

DEATH TOLL

Asia-Pacific journalists killed April 1, 2021, to March 31, 2022

16 journalists and media workers were killed from April 1, 2021, to December 31, 2022

- 6 Afghanistan
- 4 India
- 1 Myanmar
- 2 Pakistan
- 3 Philippines

1 journalist was killed from January 1, 2022, to March 31, 2022

- 1 India

been killed in the line of duty, of which only five cases had been resolved,²⁶⁶ just 5.7 per cent of the total.

In the period before the Taliban’s capture of the capital Kabul in August 2021, threats to journalists, media workers and media organisations in Afghanistan were increasing dramatically. As the Taliban made territorial gains there was an accompanying surge in violence and threats to journalists and independent media. In regions that the Taliban took control, media outlets were forced to



Afghanistan - In Kabul the Taliban halt a protest calling for women's rights | *Bulent Kilic AFP courtesy IFJ*; A demonstration in New Delhi by Afghan nationals and supporters of the Afghan Refugee Women's Association | *Sajjas Hussain AFP courtesy IFJ*

close or carry Taliban propaganda. Editorial staff fled or went into hiding. More than 1200 journalists and media workers had already lost their jobs and at least 10 media outlets had been forced to close.

To prevent the spread of pro-Taliban propaganda, Afghanistan's then government cracked down on journalists reporting from regions under the Taliban's control. In one such incident on July 26, four Afghan journalists, Bismillah Watandoost, Qudrat Soltani, Mujib Obaidi, and Sanaullah Siam were arrested by Afghanistan's National Directorate of Security following their reporting assignment to Spin Boldak, a district that was captured by the Taliban earlier that month.²⁶⁷

As the United States withdrew its citizens from Afghanistan, journalists were caught in the chaos at Kabul airport. Ali Reza Ahmadi, who was



reporting from the chaotic scenes at the airport, was among those killed in the deadly bombing outside the airport fence on August 26, along with journalist Juhad Hamidi.²⁶⁸

As the new regime took control in the days, weeks and months that followed, the Taliban immediately moved to undermine the rights of Afghan women, enforce stringent censorship and introduce restrictive new media laws and regulations that would see

the boarding up of hundreds of media outlets, leaving media workers jobless.

On September 8, 2021, the Taliban issued an order prohibiting unauthorised assembly and protests. The following day they instructed telecommunications providers to cut internet and mobile service in areas of Kabul.²⁶⁹

Days later, the interim director of the Taliban's Government Media

and Information Centre (GMIC), announced 11 new media regulations, applying to all journalists and media organisations across Afghanistan. The new rules forbid journalists and media organisations from publishing or broadcasting content that is “contrary to Islam”, insults national figures or violates privacy.²⁷⁰

Taliban militants continued to harass and assault journalists, preventing coverage of demonstrations that had sprung up across the nation.²⁷¹ More than 14 media workers were arrested for their news coverage of the anti-Taliban and women’s protests in Kabul on September 7 and 8.²⁷² On September 10, Taliban members harassed and attacked Taqi Daryabi and Nemat Naqdi and on September 18, journalists Shakib Siavash and Zafar Momand were beaten by the Taliban in an evident pattern of disregard for the safety or rights of journalists in the field.²⁷³

Further media restrictions came in the form of eight religious “guidelines”, restricting the broadcasting of media contravening Islamic values. Several of the restrictions exclusively targeted women journalists and media workers. On November 21, the Taliban’s Ministry of Virtue and Prevention of Vice said the guidelines were intended to prohibit the screening of films or television programs “against Islamic or Afghan values”.²⁷⁴

The rules called on broadcasters to cease airing soap operas or dramas that featured women. All women journalists will also be required to wear an “Islamic hijab” while at work, an edict that was to be interpreted by the Taliban.²⁷⁵

As well as the restrictions on women, the guidelines prohibit any media bearing imagery of the prophet Muhammad or revered persons, comedic programs that “humiliate people”, and any films that contravene the Taliban’s interpretation of Afghan law.

The new restrictions came despite a pledge from the Taliban that freedom of the press and women’s rights would be upheld under the new regime.²⁷⁶ This pledge has not been upheld.

December 2021 and January 2022 did not halt the Taliban’s attacks on Afghan media workers, with the beating and

detainment of Sayed Rashed Kashefi on December 11, the arrest Haji Arif Noori on December 26, and the detainment of three digital journalists, Faisal Modaris, Idris Rahimi and Milad Azizi, on January 6, for their coverage of protests in the Panjshir province, reporting local residents’ harsh criticism of the Taliban militia’s killing of a civilian in the area.²⁷⁷

The Taliban continued to deny reports of interfering with the media.²⁷⁸ On January 18, Taliban spokesperson, Inamullah Samagani said, “We are making efforts to create good coordination with the media and (give) good opportunities for them to survive and continue their activities. The presence of a free media is necessary for a good and accountable society.”

March 2022 saw a complete crackdown on foreign broadcasters and programming. On March 27, the BBC reported that its news bulletins in Persian, Pashto and Uzbek languages were taken off air after their local partners were ordered to remove all international broadcasters from Afghanistan’s airwaves by the Taliban.²⁷⁹ The same day, Voice of America (VoA) was barred²⁸⁰ from broadcasting its program produced for Afghan partners TOLONews and Shamshad TV, along with German broadcaster Deutsche Welle (DW) and the Chinese state-run China Global Television Network (CGTN).²⁸¹

The IFJ continues to work with its affiliates, the Afghan Independent Journalists’ Association (AIJA) and the Afghanistan National Journalists’ Union (ANJU), to provide emergency support to help journalists take protective measures and seek safety. IFJ affiliates are also lobbying governments in many countries to provide emergency visas and logistical support to enable those most at threat to leave the country. Those in neighbouring countries are working to ensure safe passage for journalists forced to leave Afghanistan.

THE PLIGHT OF AFGHAN WOMEN JOURNALISTS

Afghan women journalists and media workers have faced incredibly punitive restrictions and are in the greatest danger under the new regime. As the Taliban swept across the country, many women journalists retreated indoors or

fled the country, recalling the killings of their colleagues from Enikass TV in Nangarhar as recently as December 2020 and March 2021.

In a move symbolic of the country’s regression from the progress hard fought and won in recent years by Afghan women, the Taliban shut the women’s affairs ministry and replaced it with the controversial “Ministries of Prayer and Guidance and the Promotion of Virtue and Prevention of Vice”. From when the Taliban had controlled most of Afghanistan 20 years earlier, such ministries are remembered for their harsh interpretation of Islamic law, banning music, carrying out public executions, humiliating women and imposing strict dress codes.²⁸² Women staffers were prevented from entering the building when the name was changed.²⁸³

The latest policy decision by Taliban leaders follows other restrictions on women in various fields including education.²⁸⁴ Large numbers of women journalists are now living amid increasing uncertainty in the country, with vast numbers expressing fear and anxiety at the situation. While some women journalists have been able to flee, vast numbers of provincial journalists and other female media workers employed in the industry remain but without any work or prospect of future employment or means to support their families.²⁸⁵

Despite initial speeches outlining respect for women’s rights and a free media, media workers’ experiences on the ground tell a different story of Taliban control.²⁸⁶ The Taliban asked all media houses not to broadcast music or programs featuring women.²⁸⁷ The regime also ordered the removal of Radio Television Afghanistan (RTA) news anchor Khadija Amin and news presenter Shabnam Dawran from their posts on August 15.²⁸⁸ Women journalists have also reportedly been threatened to not continue their work.²⁸⁹

Women journalists advise the IFJ that they believe all their achievements in their careers to date will be taken from them under a new era of Taliban rule.²⁹⁰ With the help of arbitrary interpretations of Sharia Islamic law, the Taliban have again



From left: In Hong Kong, Apple Daily journalists and supporters hold the newspaper's last edition | *Daniel Suen AFP courtesy of IFJ*; The editor of Stand News Patrick Lam is placed in handcuffs after police searched the newspaper's premises | *Daniel Suen AFP courtesy IFJ*

restricted women's movements, right to education and healthcare.²⁹¹

HONG KONG

Since the implementation of the *National Security Law* (NSL) in 2020, Hong Kong's reputation as a bastion of press freedom in Asia has sharply declined, with a trend towards outward emigration that is symptomatic of citizens' loss of faith in their society and its institutions.

Media tycoon Jimmy Lai Chee-ying, founder of Next Digital, and six former employees of the now-defunct pro-democracy newspaper, *Apple Daily*, faced new "seditious publication" charges after Lai was found guilty on April 1, 2021, of taking part in a vigil commemorating the Tiananmen Massacre. On December 28, 2021, Lai, was accused of breaking the NSL between April 2019 and June 24, 2021. The 72-year-old is the highest-profile individual to be charged on national security grounds after he was accused of colluding with foreign forces and fraud.

In a desolate moment for Hong Kong's media, the Hong Kong edition of *Apple Daily* printed its last paper on June 24, 2021. Digital content is no longer be available on any platforms and subscriptions to the paper are not renewed.²⁹² *Apple Daily* was the last major pro-democracy newspaper in Hong Kong.

Alongside the NSL, Hong Kong's Chief Executive Carrie Lam signalled in May that the government was considering introducing legislation to address the "increasingly worrying trend

of spreading inaccurate information, misinformation, hatred and lies on social media."²⁹³ In her policy address in October, Lam again expressed the government's intent to introduce a fake news law as part of its efforts to "safeguard national security."²⁹⁴ Foreign correspondents and journalists in Hong Kong have expressed "widespread concern" about the "fake news" law that the city's authorities have flagged to introduce, a poll by a foreign press group shows.

The IFJ documented the detainment and jailing of journalists after they had inadvertently crossing invisible "red lines" set out under the new *National Security Law* in its report *Lights Out: Is this the End of Press Freedom in Hong Kong?*²⁹⁵ The research found that several news outlets, including *Apple Daily*, had been forced to close down or move offshore since the law's implementation, and the once strong public service broadcaster Radio Television Hong Kong (RTHK) has been steadily transformed into a government mouthpiece.

The Hong Kong administration has used a slate of weapons to restrict the work of independent journalists, including the denial of visas for foreign journalists and the blocking of websites leading to increasingly restricted access to international news. As the restrictions increase and press freedom diminishes, an increasing media exodus from Hong Kong in 2021 and the beginning of 2022 has mirrored a trend towards broader outward emigration that is symptomatic of citizens' loss of faith in their society and its institutions.

In a shock to Hong Kong's media community, Radio Television Hong Kong (RTHK) freelance producer Bao Choy Yuk Ling was convicted of "making false statements" to obtain government data for her investigative report on April 22.²⁹⁶ Choy obtained car licence plate records that were used for an episode of RTHK's documentary program, *Hong Kong Connection*, exposing the Hong Kong police's delayed response to a mob attack on pro-democracy protesters and civilians in Yuen Long, Hong Kong on July 21, 2019.²⁹⁷ Until Choy's prosecution, it had been a common practice for journalists to obtain government data when reporting.

MYANMAR

The state of press freedom in Myanmar continues to worsen a year after the military coup of February 1, 2021. Since the coup, at least 122 journalists and media workers have been arrested, with 48 detained as of March 31, 2022.²⁹⁸ Forty-five of the arrested journalists were charged with violating Section 505(a) of the *Penal Code*, under which it is a crime to cause, or intend to cause, members of the government to be "disobedient or disloyal".²⁹⁹

In June 2021, Democratic Voice of Burma (DVB) reporter Aung Kyaw, and freelance reporter Ko Zaw Zaw, were the first journalists to be sentenced to two years in jail under the amended Section 505(a) and on December 25, Sai Win Aung, editor for the *Federal News Journal*, became the first journalist casualty of the coup when he was killed, in an artillery attack by Myanmar's armed forces, while reporting on refugees in Kayin (Karen)



Above: Barricades in Myanmar | *courtesy IFJ*; **Left:** Myanmar - Protestors burn a picture of military chief Min Aung Hlaing during a demonstration against the coup in Yangon | *AFP courtesy IFJ*

state's Myawaddy township, near the Thai border.³⁰⁰

On January 9, the body of journalist Pu Tuidim, a founder of media collective Burma News International (BNI), was found, along with nine others, in Chin State.³⁰¹ The nine citizens were thought to have been captured and used as human shields by the military's 140 Infantry Battalion, however, it is unclear if Tuidim was targeted for his work as a journalist.³⁰²

Myanmar's junta was not assuaged by prosecuting new incidents of so-called sedition. On February 22, 2022, Maung Tha Cho and Htin Lin Oo, two anti-junta writers, were sentenced to two and three years in prison respectively under Section 505(a) of the Myanmar *Penal Code*.³⁰³ Maung Tha Cho was sentenced to two years for an article he wrote eight years earlier, while Htin Lin Oo was charged after sharing an anti-junta video on his social media page. The State Administration

Council also increased³⁰⁴ the charges against reporter Sithu Aung Myint. Myint, and producer Htet Htet Khine who have both been detained in Insein Prison since their apprehension and arrest on August 15.³⁰⁵

After immense international pressure, Myanmar's military junta freed 13 journalists and media workers on October 18 after an announcement that more than 5000 prisoners were to be exonerated in an amnesty on humanitarian grounds.³⁰⁶

The junta also continues to intensify its restrictions on internet use, seeking to adopt a new cybersecurity law that would ban the use of virtual private networks (VPNs) to access banned sites, such as Facebook.³⁰⁷ The draft law would grant the regime the power to ban content, access and intercept user data and restrict internet providers. Inhibiting access to internet platforms contravenes the United Nations' resolution on "freedom of opinion and



expression”, which recognises that these freedoms are human rights guaranteed to all, both online and offline.

On November 1, the junta introduced a series of amendments to broaden the remit of the nation’s *Broadcasting Law* to potentially include social and digital media, increasing the severity of penalties for offenders. Originally enacted in 2015, offences under the *Broadcasting Law* include broadcasting without a licence or after a licence’s suspension and securing multiple licences. Made without any public consultation, the amendments expand the scope of the law and significantly increase penalties for these offences.³⁰⁸ In addition, a new section named, 105-a, grants police the authority to make arrests for offences under the law without a judicial warrant. In its analysis of the amendments, the Centre for Law and Democracy raised concerns that the changes permit authorities to bypass criminal due process.³⁰⁹

According to the United Nations Development Program (UNDP), about 26 million people, or 48.2 per cent of Myanmar’s population, could be living in poverty³¹⁰ by 2022, compared with 24.8 per cent in 2017.³¹¹ Many journalists have been forced to find other work to survive, as media closures, satellite blackouts, confiscation of mobile phones, beatings and arrests, have driven many in the profession into hiding.³¹² Silent strikes have taken place across the nation, as pro-democracy protestors display their resistance against the military government.³¹³

SOUTH ASIA BANGLADESH

In Bangladesh, the draconian *Digital Security Act (DSA)* continued to penalise free speech and critical opinion. Abu Tayyab, a senior television journalist, was arrested on April 20 under the DSA for writing social media posts about alleged corruption by Khulna City Corporation (KCC) mayor, Talukder Abdul Khaleque.³¹⁴ Al Amin Hossain was also arrested on May 22, facing charges under the DSA in response to a case that was filed against him by a member of parliament.³¹⁵

INDIA

Media workers were increasingly

targeted across India during 2021, particularly in the Jammu and Kashmir region, as new legislation and restrictions further impeded press freedom in the nation.

The newly introduced *Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules* gave the government the power to censor, order takedowns and block content without any recourse to appeal. Independent digital platforms termed the rules not just unconstitutional, but a blow to democracy itself. However, on April 30, the Supreme Court of India agreed to hear a plea challenging India’s seditious law, filed by two journalists facing cases of sedition for comments made on social media. The petition challenged the law on grounds that it “violates the fundamental right of speech and expression”.

In the latest in a series of intimidation tactics against Kashmiri Journalists, the Jammu and Kashmir administration adopted a new order requiring all journalists to be authorised and registered before reporting in the field or publishing media coverage online. Jammu and Kashmir journalists have been increasingly targeted, since the abolishment of Article 370 on August 5, 2019, which gave special status to the region in the northern part of the Indian subcontinent.³¹⁶ Kashmiri journalists often find themselves summoned to police stations and booked under dubious charges.³¹⁷

In a notable incident, Fahad Shah, editor of *The Kashmir Walla*, who has faced multiple charges since his initial arrest on February 4, was sentenced under Jammu and Kashmir’s *Public Safety Act (PSA)* on March 14, 2022, which allows up to two years’ detention without trial.³¹⁸

On September 8, Jammu and Kashmir authorities raided the Srinagar homes of Showkat Motta, Hilal Mir, and freelance journalists Azhar Qadri and Abbas Shah, before their temporary detainment and questioning.³¹⁹ Police chased a group of journalists and attacked them with batons while they were covering the Muharram procession in Srinagar on August 17.³²⁰

Elsewhere in India, reporting in the field continues to bear heavy casualties.

Journalist Raman Kashyap’s body was found in a mortuary a day after his reported disappearance while covering the violent demonstrations in Lakhimpur Kheri, where local farmers and political supporters collided. Kashyap was among eight others allegedly killed in the demonstration involving hundreds of farmers.

On February 5, Odisha-based reporter Rohit Biswal became the first media worker to be killed for their work in the Asia Pacific region in 2022.³²¹ The journalist was investigating posters placed by Maoist insurgents in the Kalahandi district when an improvised explosive device, allegedly planted by the insurgents, detonated, killing him instantly.

NEPAL

A continuation of the devastating impacts of the COVID-19 pandemic compounded Nepal’s long-standing media freedom issues. As the vaccine rate increased and the infection rate decreased, Nepal’s media saw a gradual return to normalcy. However, the government moved to further restrict the press, establishing clauses within the *Media Council Bill*, the *Public Service Broadcasting Bill*, the *Information Technology Bill*, and the *Special Service Bill* to restrict press freedom under the pretext of protecting the “country’s sovereignty, security, unity or harmony”.

The bills are at various stages within Nepal’s Federal Parliament and include provisions to effectively criminalise journalism. The IFJ and its Nepali affiliates have opposed the bills, together with other journalists’ unions and media rights organisations, however, there seems to be little progress in amending those provisions.

Journalists’ unions and associations demanded the payment of outstanding salaries and an end to the many injustices perpetrated by media owners as a result of the pandemic. In a series of protests on October 1, the Federation of Nepali Journalists (FNJ) challenged the ongoing and sustained economic harassment by media organisations, including mass layoffs, delayed payments and illegal dismissals based on gender and other factors.³²²

In some pleasing news for Nepal’s



Clockwise from above: Pakistan - journalists participate in a demonstration protesting the PMDA bill | *RIUJ courtesy IFJ*; Pakistan - Former Prime Minister Imran Khan speaks in Islamabad | *Farooq Naeem AFP courtesy IFJ*; India - Security personnel stand guard along a street in Srinagar | *Image courtesy Tauseef Mustafa -AFP courtesy IFJ*

media community in the fight against impunity for crimes against journalists, Dailekh District Court sentenced three people to life imprisonment for the murder of journalist Dekendra Raj Thapa. The journalist was kidnapped, tortured and buried alive in 2004. Bam Bahadur Khadka, Keshav Khadka and Bam Bahadur Khadka were finally sentenced on December 12 for the murder.⁵²⁵

PAKISTAN

In 2021, Pakistan became the first country in Asia to legislate guarantees

for the protection of journalists and media workers. However, despite these developments, the industry saw the government continue to use restrictive legislation to crack down on Pakistan's media, amid a period of political turmoil.

Imran Khan's government, the leader of which faces a tense vote of no-confidence brought against him by the opposition as of March 2022, has a three-year legacy of intimidating the media. In mid-2021, the Pakistan Media Development Authority' (PMDA), a new media regulatory body, proposed a ban

on criticism of government officeholders, the establishment of a media trial court to punish defamation, and the power to penalise erring journalists with steep fines and jail terms.

Pakistan's information ministry said fake news on social media needed to be addressed at all costs and the PMDA is, in part, a response to a claimed genuine need. But, a clear and transparent process of industry consultation was not followed, nor was a full draft of the proposed legislation made publicly available before its implementation.



Opposition to the PMDA has come from a spectrum of media workers and journalist bodies. Hundreds of Pakistani journalists participated in a “sit in” demonstration on September 12, united in protest the PDMA bill.

In early 2022, amendments to the *Prevention of Electronic Crimes Act* (PECA) made the legislation more stringent in its curtailing of media criticism, criminalising defamation of authorities. PECA, which criminalises free speech and gives overarching powers to law enforcement authorities, continued to be overused to clamp down indiscriminately on the media, political opponents, activists, and members of the public. The introduction of the PMDA and amendments to the PECA corresponded with a rise in misinformation, exacerbated by the arbitrary blocking of independent websites, internet, and communication shutdowns. Health and education were impacted by connectivity restrictions aimed to censor news in politically sensitive areas.

In some respite for Pakistani media workers, Pakistan’s Senate passed a new *Protection of Journalists and Media Professionals Bill* on November 8, drafted in consultation with journalists’ organisations and union groups. The bill, which aims to enshrine the protection of media workers in law, was passed by Pakistan’s National Assembly on November 8 before progressing to the Parliament’s upper house on November 19.³²⁴ The bill’s various articles guarantee all media professionals the rights of security, privacy, non-disclosure of sources and independence when performing professional duties. Section 12 of the bill also outlines the formation of a commission for the protection of media workers.³²⁵

Although supporting the media protection bill, several journalist bodies expressed concerns with Article 6, which states that journalists and media workers must not produce material that could incite “discrimination, hostility or violence” and media “must not engage in the dissemination of material known by such an individual to be false or untrue.”

However, the bill offered little respite for journalists, who continued to be

murdered in the line of duty. Just one day after the passing of the new protection bill, journalist Muhammad Zada Agra was gunned down outside his home in Sakhakot. Agra, who was running a social media campaign against drug cartels and other criminals in the region before his death,³²⁶ allegedly informed authorities about the threats to his life but was offered no protection.³²⁷

A month previously, on October 10, reporter Shahid Zehri, was killed when a bomb detonated in his car in Karachi.³²⁸ CCTV footage confirms the bomb was attached to the journalist’s car where it exploded with some reports suggesting it was a homemade device.³²⁹

SRI LANKA

Sri Lanka’s severe economic crisis, as the nation attempts to recover from the devastating effects of the COVID-19 pandemic, has posed a host of new challenges and threats to the media. In late March 2022, several protests took place across the island, against daily power cuts and shortages of fuel and other essential items. On March 30, 2022, thousands of protestors gathered in front of the private residence of President Rajapakse located in the suburbs of Colombo demanding that the President step down. While reporting on the chaos, several journalists were brutally assaulted and at least six were taken into custody by police personnel from Sri Lanka’s Special Task Force (STF) on March 31.

The following day, the journalists who went to report from the protest site were intimidated and threatened by people claiming to be from the President’s Security Division (PSD) and on April 1, President Rajapaksa declared a national state of emergency, arming the military with additional powers, leading to arbitrary arrests, detention and restrictions on fundamental rights.

Since the commencement of the state of emergency, social media platforms have been blocked and a curfew declared in the Western Province, with the government now having the right to arbitrarily detain citizens without a warrant. This new situation forebodes a dire year for Sri Lanka’s media in 2022.

Earlier in 2021, the international norm of self-regulation by media was

violated when, in January, the Cabinet of Ministers proposed to amend the Press Council Law to include electronic and new media and approved a proposal to “structurally reform and reorganise” the Press Council to cover electronic and new media, despite public condemnation.

On June 22, Sri Lanka’s media minister Keheliya Rambukwella informed reporters his ministry would launch an investigation into allegations of sexual harassment in media institutions after several women journalists shared their experiences on Twitter.³³⁰ However, two days later, on June 24, Rambukwella retracted the announcement, stating his ministry would not investigate the reports. The IFJ said: “Women journalists in Sri Lanka have called time on abuses that have clearly been endured for too long in silence. Now it is time for serious action, not only by investigators but also by media companies to take full responsibility to eliminate sexual violence in the workplace.”³³¹

PACIFIC PAPUA NEW GUINEA

In a blow to press freedom in the Pacific, Sincha Dimara, one of Papua New Guinea’s longest-serving journalists and Head of News and Current Affairs at EMTV, was dismissed following allegations of insubordination and defamation.³³² After the news broke of her initial three-week-long suspension on February 9 2022, 24 of Dimara’s colleagues staged a walkout, condemning the “endless intimidation” of the news service and vowed not to return until “the wrongs have been righted”. They have all been fired.³³³

Earlier in June, a group of male students at the University of Papua New Guinea attacked a media team covering a protest against incidents of harassment against female students.³³⁴ The Media Council of Papua New Guinea condemned the attacks arguing that the actions of the students were against Article 11 of the *International Human Rights Act* regarding freedom of assembly and Papua New Guinea’s constitution.

SOLOMON ISLANDS

Reporters in the Solomon Islands came under fire from both rioters and authorities during the November



protests in the capital, Honiara. Journalists at the scene were threatened and attacked with tear gas, rubber bullets and stones as protestors advanced toward the Solomon Islands Parliament house. Media rights advocates and organisations called on the authorities and protesters to respect the media, as those journalists on the ground continued to inform the public throughout the dangerous period.

CHINA AND EAST ASIA

CHINA

All eyes were fixed on Beijing during the 2022 Winter Olympic Games, as the People’s Republic of China moved to further extend its global influence. China’s campaign to spread its media presence internationally, while continuing to restrict and censor the media at home, expanded and developed during 2021, stretching everywhere from Asia to Africa and South America.

In the lead up to the Games, China “continuously stymied” foreign journalists in their coverage and denied attendance at routine events. Arrests and enforced disappearances are increasingly used by the Chinese government to suppress political

dissent, and journalists, activists, unionists, and leaders are often targeted.

Inside China, resident foreign correspondents face barriers including expulsions, delays and denials in the granting of visas, intimidation of sources, digital and physical surveillance, and lawsuits alleging breaches of reporting protocols such as identifying oneself as a journalist, which carry the risk of being denied an exit visa until the case is resolved.

The IFJ’s report, *Fair Game: The endangered media space for foreign correspondents inside China*, found that Chinese state-run media, “Wolf Warrior” diplomats abroad and government-affiliated groups on social media incite physical harassment of foreign journalists and their local staff, which can extend to death threats.³³⁵

Recent reports reveal that journalists and other “suspicious” actors will be tracked by an elaborate surveillance system allegedly commissioned by the authorities of Henan Province, China. According to reports from late November 2021, Henan’s provincial government awarded a contract worth US\$784,000 to Shenyang-based tech company Neusoft to build

China - A health official in a hazmat suit greets media as they arrive in the Zhangjiakou Zone ahead of the Beijing Winter Olympics | Ben Sta AFP courtesy IFJ

a sophisticated surveillance system in September. Using 3000 facial recognition cameras that connect to different national and regional databases, the system will compile files of specific individuals travelling to Henan.³³⁶

Amid increased legislation, restrictions and surveillance, the Chinese Communist Party (CCP) also ramped up its use of propaganda to defend its abuse of human rights in Xinjiang. In one example, Erkin Tursun, a Uyghur TV producer who had been detained in China’s Xinjiang region since 2018, appeared in a video acknowledging wrongdoings and pleads mercy from Chinese authorities. Chinese officials broadcast the video during a press conference in Beijing on April 9, 2021.³³⁷

China’s efforts to control narratives and reporting around the pandemic are also extreme. Zhang Zhan, who was sentenced to four years in prison on December 28, 2020, for reporting on COVID-19 during the early stages of the virus outbreak in China, has suffered deteriorating health as her detention



continues.³³⁸ On October 28, Zhan's mother told the media that her daughter would "be in huge danger if they don't release her on medical parole. She can't walk unassisted now, and her head keeps drooping as she speaks," her mother said.³³⁹ On September 17, the IFJ joined 42 non-governmental organisations dedicated to defending press freedom to issue a joint letter³⁴⁰ addressed to China's leader Xi Jinping to call for Zhang's release, as she was reported to have suffered significant weight loss, stomach ulcers and reflux esophagitis.³⁴¹

Under similarly dubious and arbitrary allegations, Australian journalist Cheng Lei faces, faced trial on March 31, 2022, after 19 months in detention.³⁴² Cheng, who served as an anchor of the Chinese state media China Global Television Network (CGTN) for eight years until her arrest in August 2020, has been accused of "supplying state secrets to an overseas organisation or individual." Closed to foreign journalists and diplomats, including Australia's ambassador, the Beijing court deferred its verdict after less than a day. According to China's criminal law, an individual found guilty of providing state secrets or intelligence overseas faces a sentence of five to ten years, and even life imprisonment if the offence is considered serious. A member of Cheng's family in Australia previously told the media that they believed Cheng would not have done anything intentionally to harm China's state security.³⁴⁵

Beijing Winter Olympic Games 2022: The conditions for independent reporting in China fell well short of international standards during the Winter Olympic Games, with the government regularly interfering with reporting by foreign journalists. The Chinese authorities failed to deliver on their promises to allow accredited foreign journalists to book and conduct their interviews without the threat of state interference and to report freely in public areas.

According to the Foreign Correspondents Club of China (FCCC), foreign reporters had been frequently tailed and manhandled by Chinese propaganda and security officials during the Games when they tried to report within and outside the Olympic venues.

Dutch reporter Sjoerd den Daas from *Nederlandse Omroep Stichting* (NOS), for example, was forcefully dragged off-camera by several security officials in the middle of a live broadcast of the Games' opening ceremony on February 4.³⁴⁴

Another foreign reporter was prevented by a Chinese official from interviewing a Hong Kong athlete after a ski event, despite the activity being in line with international Olympic rules.³⁴⁵ Numerous reporters were also told that all reporting in public areas must first be approved by the Chinese authorities, while others were targeted with online harassment following their coverage of Olympic events. These online attacks were sometimes directly fuelled by Chinese state media and diplomats, the group added.

SOUTH KOREA

In South Korea, with lobbying and advocacy from the IFJ and the Journalists Association of Korea (JAK), South Korea's National Assembly removed its proposed amendments to the Act on *Press Arbitration and Remedies for Damage Caused by Press Reports* that included additional punitive damages for media reporters.³⁴⁶ The revisions would have prevented media personnel and media outlets from issuing corrections for the dissemination of false information, introducing a penalty of five times the estimated damages no matter if the alleged "fake news" was circulated intentionally or not. The legislation around determining intention is ambiguous and came with the risk of overregulation which would ultimately infringe on the freedom of the press.

On September 29, Democratic Party lawmakers agreed to shelve the amendment bill and to work with opposition lawmakers to explore other options for amending the existing law.³⁴⁷ Previously, the ruling party lawmakers were reported to have planned to put the contentious bill to a vote at the National Assembly on September 27 or that week.

TAIWAN

As China clamped down on the media and journalism in Hong Kong, the Taiwan edition of *Apple Daily*, published by the Hong Kong-based Next Digital media group, ceased its print edition

on May 18 and made over 300 media workers redundant.³⁴⁸ *Apple Daily* said in a statement issued on May 14 that it would cease publication in print on May 18, citing "long terms profit losses" as the main reason while pledging to focus on its digital content.³⁴⁹

According to Apple Daily's Union (ADU), 326 out of 801 workers at the newspaper were asked to leave, including news staff and others working for the print edition of *Apple Daily*. On May 15, ADU said it "strongly condemns" the company for using the termination of the print edition as an excuse to fire a large portion of its senior workers, including the union's secretary-general, Chen Chia-en.³⁵⁰

SOUTH EAST ASIA

CAMBODIA

Cambodia's *Criminal Code* continued to be used to detain and sentence media workers, particularly surrounding coverage of the government's response to the COVID-19 pandemic. Sovann Rithy, an editor for news website TVFB, was sentenced to 18 months in prison after posting a quote by Cambodia's Prime Minister, Hun Sen, on Facebook that showed his imprudence towards the potential effects of the pandemic.³⁵¹

Reporter Kouy Piseth was charged with incitement under Article 495 of Cambodia's *Criminal Code* and for "obstructing an enforcement measure" under article 11 of the *Law on Preventive Measures Against the Spread of COVID-19 and other Severe and Dangerous Contagious Diseases*.³⁵²

Youn Chhiv, journalist and owner of website Koh Kong Hot News, was also sentenced to one year in prison on September 30 for incitement under Cambodia's *Criminal Code*, after reporting on a government land dispute.³⁵³ After two days of questioning, the journalist was charged with incitement to cause a felony over publishing alleged misinformation about a land dispute at Botum Sakor National Park.³⁵⁴

INDONESIA

Indonesia saw the introduction of its latest internet bill in the form of Ministerial Regulation 5/2020 (MR5), legislation that enables companies and the government to

monitor content.³⁵⁵ The regulation requires companies to provide access to information to ministries, institutions, and law enforcement without independent oversight and requires all all-Private Electronic Systems Operators (PESOs) to register, including Google, Facebook, and Twitter. There is potential for the rules to apply to online media, citizen journalists, and organisational websites.

In response to escalated tensions escalating in West Papua, Indonesia's President Joko Widodo announced an increased military presence throughout April. Reports coming out of West Papua note the increase in internet shutdowns and intimidation and attacks on media who do not follow the government line when reporting on the area.³⁵⁶

MALAYSIA

Following the regional trend, Malaysia's government attempted to curb critical reportage and control the pandemic narrative, introducing new restrictions and preventing journalists from covering political affairs.

The IFJ has repeatedly called for the repeal of Malaysia's *Sedition Act of 1948*, to protect the freedom of expression, speech and association of citizens and media workers. The act has been used as a weapon to suppress critical differences of opinion in Malaysia, since the coming to power of the National Alliance Government (PN) in 2020.

This repression of journalism continued in the Malaysian parliament as house speaker Azhar Arizan Harun announced on September 8 that the new government, led by prime minister Ismail Sabri Yaakob, would continue to restrict media outlets from attending parliament when it resumed.

On Parliament's commencement on September 13, only 16 media outlets were allowed to attend.³⁵⁷ It is unclear how media outlets were chosen or ruled out from being eligible to attend parliament. Malaysia's parliament also restricted journalists from attending in-person during 2020³⁵⁸ and in the July 2021 special session, citing the risk of COVID-19 infection.³⁵⁹ When covering state elections,

journalists faced similar restrictions. Weng Kian Yong, a journalist with Malaysian Chinese-language newspaper *Sin Chew*, was reporting on the upcoming Johor state election when authorities from the health department issued him a fine for failing to adhere to the centre's COVID-19 physical distancing guidelines. Weng Kia Yong had simply approached candidates to obtain their personal information, including names and contact details.³⁶⁰

PHILIPPINES

Access to information came under fire in the Philippines, with the blight of journalist killings continuing. In September and October 2021, the Philippines government has blocked access for journalists to pandemic coordination channels, while its military is alleged to have coordinated cyber-attacks on two key media outlets. Media bodies expressed concern that access to information in the public's interest appeared to rest on the government's notion of good journalism. It also follows widespread criticism that the Philippines government has used pandemic controls as a means of curbing dissent.³⁶¹

Government attempts to control the media's reporting were evident when, on September 27, Michael Aglipay, the chairperson of the house committee on good government and public accountability, abruptly removed Rappler journalist Rambo Talabong from a media coordination channel.³⁶² Talabong had recently published a story about Aglipay,³⁶³ questioning whether expired Pharmally face shields were responsible for casualties given a surge in COVID-19 infections.³⁶⁴

Distributed Denial of Service (DDoS) attacks, currently illegal in the Philippines under the country's E-Commerce law,³⁶⁵ have also been used to target news outlets during 2021. The attacks flood website traffic with requests, causing sites to crash.³⁶⁶ On February 27, CNN Philippines released an advisory notice informing viewers that its website was down due to a DDoS attack lasting several hours while the network held a presidential debate for the upcoming May 2022 election.³⁶⁷ In December 2021, ABS-CBN, Rappler, Vera Files, and Philstar, all news outlets in the country, were

also targeted by DDoS assaults.³⁶⁸

Three journalists from the Philippines were murdered for their work in 2021, including Radio commentator, Renante "Rey" Cortes, who was shot dead on July 22 outside the radio station, DyRB, in Barangay Mambaling.³⁶⁹ Cortes was known for his criticism of members of the local elite who instigated tense arguments with local politicians.³⁷⁰

In some long-awaited recognition for both Filipino journalists and journalists worldwide, former CNN correspondent and Rappler founder, Maria Ressa, was awarded a Nobel Peace Prize, alongside Russian journalist Dmitry Muratov, for her efforts to safeguard freedom of expression. Rappler has often denounced President Duterte's security policies and the extrajudicial killings in his anti-drug campaign. She suffered repeated police harassment³⁷¹ and in June 2021, she received a jail term for a cyber libel case. She is currently on bail pending her appeal against the decision. The IFJ and the National Union of Journalists of the Philippines (NUJP) supported Ressa and called on the authorities in the Philippines to drop all cases against her.³⁷²

THAILAND

Thailand continued to crack down on anti-government sentiment, with fears that citizens and journalists may face criminal prosecution under Thailand's censorship laws for criticising the government's AstraZeneca vaccine rollout, produced by a company owned by Thailand's King Maha Vajiralongkorn.³⁷³

On September 17, Thai police issued numerous conditions that determined journalists' ability to cover anti-government protests past Bangkok's 9 pm COVID-19 curfew.³⁷⁴ Authorities mandated that all journalists must produce an official letter of permission from police allowing them to report on demonstrations, as well as a government-issued press card and a letter of assignment from their employer. Given the nature of the documents required, the stipulations disproportionately impacted freelancers' access to the protests. Following pressure from journalist unions, Bangkok's Metropolitan Police conceded that the requirements were



Vietnam - Journalist Le Van Dung attends court in Hanoi | STR-AFP courtesy IFJ

a “misunderstanding”. After the initial announcement, the Foreign Correspondent’s Club of Thailand (FCCT) issued a statement decrying the restrictions.³⁷⁵ “This is an onerous set of requirements for what should be routine media work,” the statement reads. “It is unacceptable that journalists should face the threat of arrest and prosecution while doing their jobs, simply because they cannot meet all these bureaucratic conditions.”

Foreign journalists fleeing the persecution of the military junta in Myanmar were also greeted with a less than warm welcome on reaching the Thai border. Three journalists from the Democratic Voice of Burma (DVB) were sentenced to seven months in jail and fined for entering Thailand illegally on May 28. The IFJ continues to assist journalists leaving Myanmar and facilitate travel into Thailand.³⁷⁶

VIETNAM

In 2021, more than 60 people are currently being persecuted and imprisoned for their critical reporting on Vietnam’s ruling party, according to Human Rights Watch.³⁷⁷ Vietnam’s *Penal Code* was used to convict journalists for doing their jobs.

On March 23, 2022, almost a year after his initial arrest, journalist Le Van Dung was sentenced to five years in prison by the People’s Court of Hanoi under Article 88 of the *Penal Code* for allegedly circulating information against the ruling party. The court argued that the journalist “made and posted on the internet 12 clips with propaganda content against the State, defaming the government, [and] spreading fabricated news”. The series of 12 videos posted online to platforms YouTube and Facebook between March 2017 and September 2018, discussed political and social issues in Vietnam, including information on state legislation and fundamental rights.³⁷⁸ Many media bodies and rights activists have condemned the decision, decrying the use of Article 88 to convict the journalist with no legal basis.

In July 2021, Pham Chi Thanh was sentenced to five years and six months in prison, followed by five years of probation, for allegedly disseminating anti-state propaganda.³⁷⁹ The court sentenced Thanh on July 9 after his arrest in May 2020 under Article 117, which criminalises “creating, storing and disseminating information,

documents, items and publications opposing the Social Republic of Vietnam.”³⁸⁰

On September 29, citizen journalist Tran Thi Tuyet Dieu’s eight-year sentence under Vietnam’s *Penal Code* was upheld in the court of appeal in Danang.³⁸¹ Tuyet Dieu’s appeal was refused in Danang’s court, more than a year after her arrest and detention on August 21, 2020. She was sentenced on April 23, 2021, for breaching article 117 of the code, which criminalises “creating, storing and disseminating information and materials against the Socialist Republic of Vietnam”. Reports indicate that Tuyet Dieu endured ongoing harassment by police in the years before her arrest.

On October 28, a court in the city of Can Tho in southern Vietnam sentenced five journalists to prison following their convictions in 2020 under Article 331 of the *Penal Code* for criticising the Vietnamese government.³⁸²

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A young girl peers out from a group of Afghan women at a Red Cross distribution centre in Kabul | Santiago Lyon and AP via the Journalists For Afghanistan fundraiser

MEAA and press freedom abroad

AFGHANISTAN

On August 16, 2021, the day after the Taliban captured the Afghan capital Kabul, MEAA called on the Australian Government to take urgent action to provide humanitarian visas to Afghan journalists and media workers. MEAA, together with the International Federation of Journalists (IFJ), wrote to Foreign Minister Marise Payne, Immigration Minister Alex Hawke and Opposition foreign affairs spokesperson Senator Penny Wong, highlighting the threats to media workers and media outlets posed by the Taliban takeover of Afghanistan.

MEAA noted that as at that date, more than 30 media workers had been killed, wounded, kidnapped or tortured in Afghanistan since the beginning of 2021. In the previous week, a woman journalist reported that she was on the

run after being told that the Taliban was hunting for her, one journalist was gunned down by Taliban militants and a TV journalist has been kidnapped.

MEAA said: “The Taliban are not just going after journalists, and particularly women journalists, but all media workers including drivers, interpreters, fixers, office administration and security personnel. MEAA stands with journalists in Afghanistan who are being targeted because of the work they do and urges the Australian government to include media workers in any humanitarian visa offerings. The Taliban are ruthless and reports from Afghanistan indicate they are already looking to silence their critics.

“We ask the Australian government to urgently consider humanitarian visas for media workers in Afghanistan.

Australia has an obligation to provide refuge,” MEAA said.

In their letter, the IFJ and MEAA urged the Government to prioritise the provision of visas and guarantee safe passage for Afghan media workers and their immediate family members at risk of violent retribution from the Taliban. “The Australian government should also increase support for civil society groups inside and outside of Afghanistan that promote human rights and a free press.”

The IFJ had begun working with its local affiliates, the Afghan Independent Journalists’ Association (AIJA) and the Afghanistan National Journalists Union (ANJU), to provide emergency support to allow journalists to take protective measures and seek safety. As with MEAA’s actions in Australia, other IFJ affiliates had begun lobbying

their governments to provide emergency visas and logistical support to enable those most at threat to leave the country. Affiliates in countries neighbouring Afghanistan were working to seek safe passage for journalists forced to leave Afghanistan.

MEAA had also stepped up to urge members and the public to provide financial support for Afghan journalists. The first action was to encourage donations to the International Federation of Journalists' Safety Fund.³⁸³ About \$60,000 was also contributed by the NSW Journalists Benevolent Fund.

A second MEAA action was to raise funds for Afghan women journalists and their families through MEAA's Media Safety & Solidarity Fund (MSSF). A MEAA initiative established in 2005, the fund is supported by donations from Australian journalists and media personnel to assist colleagues in the Asia-Pacific region through times of emergency, war and hardship (see the section on the Media Safety & Solidarity Fund).

PAPUA NEW GUINEA

On February 25, 2022, MEAA's national media section committee of elected officials condemned the suspension of 24 Papua New Guinean TV journalists who walked off the job in support of a colleague.³⁸⁴ They have alleged intimidation by EMTV management and political interference. The journalists may now lose their jobs.

EMTV news manager Ms Sincha Dimara has been suspended for 21 days without pay over a dispute about editorial balance. The incident is the third time in five years that senior journalists have been suspended for reporting public interest news stories.

MEAA Media's National Media Section committee resolved: "MEAA stands in solidarity with the journalists of EMTV in Papua New Guinea and condemns the suspension without pay of news manager Sincha Dimara and notice that 24 journalists face dismissal for walking off in support of her and over on-going editorial interference by management.

"This is an assault not only on workers' rights but also media freedom in PNG. No journalist should be economically sanctioned for alleged 'insubordination' involving a dispute over editorial

balance or be terminated for taking industrial action in support of a colleague in this circumstance.

"This dramatic escalation by EMTV comes as MEAA continues to hold on-going concerns about allegations of political interference in the editorial decision making at PNG's only national commercial broadcaster.

"Ms Dimara's case, alongside those of former EMTV Head of News and Current Affairs Neville Choi and former Lae Bureau Chief Scott Waide, is the third in five years of senior journalists being suspended for reporting on matters of public interest.

"MEAA calls on EMTV executive management to reinstate Ms Dimara and her staff on full pay and guaranteed journalists' editorial independence."

MEAA's Media Safety & Solidarity Fund has subsequently offered support to the staff.

MYANMAR

On June 21, 2021, MEAA wrote to Senator Payne, the Minister for Foreign Affairs; the Opposition spokesperson for Foreign Affairs, Senator Wong; and also to Allan McKinnon, Australia's Ambassador to Thailand; Andrea Faulkner, the Australian Ambassador to the Republic of the Union of Myanmar and Australia's High Commissioner to India, Barry O'Farrell to express concerns about the coup by a military junta that began in February 2021.

MEAA said the takeover has all but completely silenced independent media in the country. "Journalists have been beaten and shot. You would know that at least 85 journalists in Myanmar have been arrested and more than 40 continue to be detained. Some have been jailed for three years for spreading "misinformation" under section 505A of Myanmar's Penal Code. Independent media outlets have been stripped of their licences to operate, and dozens of warrants have been issued for the arrest of other journalists.

"Despite this harassment and persecution, Burmese journalists courageously continue to work underground at great personal risk, informing the rest of the world about the crimes of the junta. Burmese



journalists are in hiding not only in Myanmar but elsewhere in the region, seeking safety from persecution and violence. However, Thailand has just sentenced three Burmese journalists to seven months jail and fined them for entering the country," MEAA said.

MEAA urged the Minister to take steps to alleviate the situation, including:

- Issuing a statement urging Thailand to provide stronger condemnations of the attacks on freedom of expression in Myanmar and support the safe relocation of journalists under threat in their territory.
- Engaging with local authorities to underscore their obligation to human rights standards and encourage protective action.
- Providing safe haven, security and support for journalists facing immediate threats in Thailand,



- including facilitating their relocation to Australia if sought.
- Identifying and sending case referrals to emergency assistance programs (e.g., the Journalists in Distress Network).
- Working with and support local and regional civil society organisations located in India and Thailand in aiding journalists facing threatening situations or otherwise struggling to conduct their work, including funding, technical and material assistance, and by fostering effective support networks.”

SRI LANKA

As this 2022 MEAA press freedom report was being prepared, protests had broken out in Sri Lanka over worsening economic conditions including severe inflation, daily blackouts, a shortage of fuel and essential items.

Among the multiple press freedom abuses that had taken place, the International Federation of Journalists had reported that police had reportedly assaulted several journalists and detained at least six during a mass public protest outside President Gotabaya Rajapaksa’s residence in Colombo.³⁸⁵

On April 1, 2022, the Rajapaksa government declared a state of emergency, imposing a nationwide curfew following the protests. At least 600 protesters, including civil society members, journalists and rights activists had been arrested. The Sri Lankan Telecommunications Regulatory Commission proceeded to ban all social media, including Facebook, Messenger, YouTube, WhatsApp, Viber, Twitter, IMO, Instagram, Telegram, Snapchat, and TikTok on April 2. The ban was lifted after 15 hours.

On February 1, 2021, the military of Myanmar mounted a coup d’état, deposing the democratically elected members of the country’s ruling party, the National League for Democracy

During the state of emergency, the Sri Lankan government was granted the authority to detain anyone, seize personal property, search any premises, and amend and suspend any laws, in the name of maintaining public security.

MEAA issued a statement saying: “MEAA stands in solidarity with media colleagues in Sri Lanka in their struggle for press freedom. We support their demands for justice and proper accountability and investigations into the abductions, disappearances and murders of their colleagues. We support their right to report on the current crisis safely and without intimidation.”

Media Safety & Solidarity Fund

A MEAA initiative established in 2005, the Media Safety & Solidarity Fund (MSSF) is supported by donations from Australian journalists and media personnel to assist colleagues in the Asia-Pacific region through times of emergency, war and hardship.

The fund trustees direct the International Federation of Journalists Asia-Pacific to implement projects to be funded by the MSSF. Prior to February 8, 2022, and the declaration of the outcome of MEAA's elections of its official office holders,³⁸⁶ the fund's trustees were Marcus Strom, national MEAA Media section president; the two national MEAA

Media vice-presidents, Karen Percy and Michael Janda; two MEAA Media federal councillors, Stefan Armbruster and Kathy McLeish; and Brent Edwards representing New Zealand's journalists' union, the E tū, which also supports the fund.

Contributions to the fund primarily come from MEAA members because of enterprise bargaining agreement negotiations. In 2014 and again in 2015, Japan's public broadcasting union Nipporo also made contributions to the fund.

Since the military coup in Myanmar in February 2021, independent journalism there has been forced underground.

Journalists have been beaten and shot, at least 85 have been arrested, more than 40 detained and several jailed for up to three years. Independent media outlets have been stripped of their licences to operate, and dozens of warrants have been issued for the arrest of other journalists.

Burmese journalists are in hiding not only in Myanmar but elsewhere in the region, seeking safety from persecution and violence..

Despite all these risks, Burmese journalists courageously continue to work underground in Myanmar or Thailand to ensure the crimes of the military junta are revealed to the rest of the world. MEAA urged members and their newsrooms to aid Myanmar's journalists by making contributions to the MSSF which would transfer funds to the Foreign Correspondents Club of Thailand to disperse to Burmese journalists in distress.

On August 25, 2021, MSSF took action to assist Afghan journalists displaced and threatened in the wake of their country's takeover by the Taliban.

The fund's initial response was to seek public and MEAA member donations for Afghan media workers and their families who are in dire peril following the Taliban's overthrow of the national government in August 2021. At least seven journalists had been killed in the first two months following the Taliban takeover, with many more suffering intensifying threats, harassment, intimidation and violence.³⁸⁷ As many as 257 media outlets had shut down and, according to research conducted by the Afghanistan National Journalists Union (ANJU), at least 67 per cent of journalists and media workers have been rendered jobless.

The initial call to action raised about \$A 9900 for the MSSF.

We have worked very hard for 20 years. We have fought for democracy, for press freedom, a free media, and for the presence of women journalists. Unfortunately, all this progress for which we have fought and sacrificed for 20 years ... has been taken away from us.



AFGHAN WOMEN JOURNALISTS APPEAL



PLEASE HELP BY DONATING
MEAA.ORG/MSSF



The MSSF appeal, in partnership with the IFJ and Network of Women in Media, India, raised funds for Afghan women journalists to flee the country or fund safe havens within Afghanistan

The second action was to provide funds for women journalists and their families. On November 21, 2021, the Taliban had announced new restrictions on the media in Afghanistan with several edicts exclusively targeting women journalists and media workers.³⁸⁸

Through the Media Safety & Solidarity Fund, MEAA began working with the International Federation of Journalists (IFJ) in partnership with Network of Women in Media, India (NWMI) to raise funds to support Afghan women journalists and their families. The aim was to provide them with emergency financial support so they could find safe houses in Afghanistan, or assistance with evacuation and relocation to new countries.

NWMI is a non-funded, non-partisan forum for women in the media to share information and resources, exchange ideas, uphold media standards and ethics, and promote gender equality in the industry as well as society.

In early August 2021, the NWMI began work to establish a web site, Journalists for Afghanistan, and began organising the sale of photographs donated by Associated Press photographers. “Members of the NWMI (Network of Women in Media, India) looked for ways to help Afghanistan’s women journalists. One of the most urgent needs: Money.”³⁸⁹

“To help us raise funds for these intrepid women journalists attempting to tell their stories amidst all odds, The Associated Press generously allowed the use of images from their Afghanistan coverage. This collection brings together photographs by some of AP’s bravest and most talented visual journalists. The images are brief glimpses into the daily life of Afghanistan over more than two decades. At a time of unimaginable societal and political upheaval in Afghanistan, and even as its people face an uncertain and frightening future, these images challenge us to reflect on the power of resilience and courage in tumultuous times.

Recipients were identified through organisations that the NWMI (Network of Women in Media, India) was in



Top: Afghan children enjoy the view overlooking Kabul | Pulitzer Prize-winner Anja Niedringhaus who was killed in Afghanistan on April 4, 2014 -AP and Journalists for Afghanistan fundraiser; **Above:** The MSSF provided support through the International Federation of Journalists to assist Burmese journalists who had to flee Myanmar

touch with, including the Centre for the Protection of Afghan Women Journalists; Women Journalists’ Co-ordination Center; and the Afghan Independent Journalists Association. “Funds will be used for travel, visas, rebuilding small media enterprises, as well as for emergency subsistence, since many women journalists have been forced out of their jobs.”

The fundraiser ran for three weeks, beginning September 7, 2021, and ending September 30, 2021. More than \$A100,000 was raised for the MSSF appeal which included a contribution of more than \$1000 from Women in Media.

On February 25, 2022, MEAA’s national media section committee of elected officials condemned the suspension of 24 Papua New Guinean TV journalists who walked off the job in support of a colleague.

The fund received an application to assist journalists at EMTV Papua New Guinea. In February, the highly respected head of EMTV news and current affairs Sincha Dimara, a journalist with 33 years of experience, was suspended from her job for three weeks on the grounds of “insubordination” and damaging the “reputation, credibility and standing” of EMTV for defending her newsroom’s coverage of an Australian businessman.

On February 25, 2022, her entire news team of 16 journalists and eight camera operators, who had been supporting her, were handed termination notices. Dimara’s attempts to negotiate a return to work for herself and her team were rejected.³⁹⁰

The fund was approached to provide financial assistance to the journalists as they prepare a legal challenge to the suspension.



The way forward

BY **MIKE DOBBIE**

“Silicon Valley’s sins came home to roost in the United States on January 6 with mob violence on Capitol Hill. What happens on social media doesn’t stay on social media. Online violence is real world violence... Facebook is the world’s largest distributor of news, and yet studies have shown that lies laced with anger and hate spread faster and further than facts on social media. These American companies controlling our global information ecosystem are biased against facts, biased against journalists. Without facts, you can’t have truth. Without truth, you can’t have trust. Without trust, we have no shared reality, no democracy, and it becomes impossible to deal with our world’s existential problems: climate, coronavirus, the battle for truth.”³⁹¹

RAPPLER EDITOR-IN-CHIEF MARIA RESSA AT HER ACCEPTANCE OF THE 2021 NOBEL PEACE PRIZE

Disinformation thrives when there is a lack of trust. Disinformation has become a feature of the COVID-19 pandemic. It has exploited the confusion of a complex and dangerous health crisis.

It is the response to COVID where disinformation has flourished. Complex science, government information relying on the advice of health officials. Lockdowns, restrictions and mandates. Vaccines had been rapidly developed but clumsily distributed. Government failings and contradictions, clashing health advice.

The disinformation has utilised the pandemic to spread conspiracy theories, fact-less opinions, distractions, challenges and provocations.

It’s understandable that people feel vulnerable about the enormity of the crisis and the responses to it. Jobs were lost; businesses closed, and many went broke; people could not see family and friends and faced intense travel restrictions that contained them to just a few kilometres, the wearing of

masks was almost ubiquitous. Vaccines appeared too but were they safe?

Disinformation was able to spread quickly on social media as people turned away from mainstream media. The amount of information presented and the contradictions that were reported led to a collapse of trust in what the traditional media told them.

Disinformation offered alternatives to the media’s reporting: the virus was fake, the daily data was fake, COVID wasn’t that bad, COVID only affected the elderly, governments wanted to control people’s lives, supplies were running short, economic collapse was imminent, there’s no need to wear a mask... and on it went.

As protests began and quickly grew into thousands of people demanding change and calling out “lies”, disinformation spread utilising social media. Journalists covered the protests, but the disinformation campaigns quickly targeted the media.

It’s hard to gauge how much damage the pandemic has contributed to a distrust

of the media. What is certain is that the media already faced trust issues before the pandemic broke out.

A June 2021 report examined views about the trustworthiness of the news media in 40 countries. A survey of about 2000 people in each country found that Western Europeans had greater trust in the news media than citizens from other parts of the world. Top of the charts is Finland where 65 per cent of adults trust the news. The lowest is the US where the number is just 29 per cent.

In Australia, the study found that 43 per cent of adults trust the news... less than half the respondents.

A different 2019 study of more than 25,000 people found that more than a third of Australian respondents (35 per cent) said they trusted the media less than they had 12 months earlier, with most citing “fake news” as the cause of their mistrust. That number is matched by the same percentage of respondents in Brazil and Hong Kong and compares with 40 per cent of respondents in China, Canada and India.³⁹²

Trust is the cornerstone of public interest journalism. Journalists must trust their sources to be honest and truthful. Sources must be assured that what they say to a journalist will be faithfully represented in the news story that results. Whistleblowers trust journalists to respect their confidentiality in all circumstances as they tell their truth.

Above all, there is the trust of the communities that journalists serve; the journalism they consume must be reliable.

The pandemic didn't start the decline in trust that has developed into a rift between audiences and news media. But the pandemic has exacerbated it.

This matters, not least because some segments of the media's audience are now openly hostile to traditional media outlets and to the journalists who work for them. Disdain for the media has developed into abuse, harassment, assaults and death threats.

It is not enough to say that these examples are the actions of a few. The pandemic has shown that they are increasing and becoming more extreme.

Several factors have contributed to this situation – involving the four stakeholders engaged in news and information and in the communication of essential information during the COVID-19 pandemic.

The stakeholders are the traditional news media, the audiences they serve, social media platforms, and the politicians who should provide leadership and certainty for the communities they are elected to represent.

The news media industry has struggled since the massive disruption caused by the digital transformation that began in the mid-1990s. Journalism that was in the public interest had sickened. Media outlets were in a desperate scramble for eyeballs. Outlets competed with the new digital businesses.

The arrival of last-minute funding sources has helped restore the health of some, but not all, media outlets. The News Media Bargaining Code has directed some lost revenue to media companies. However, even this is flawed in that it ignores small and emerging media outlets, particularly local and regional businesses; it does not ensure that the funds are invested in public interest journalism or the journalists – employed and freelance – who produce it.³⁹³

Social media platforms, like Facebook, Twitter, YouTube and others attracted massive global audiences that allowed them to wield enormous power. But as they provided networks for social digital interaction, they also created gigantic information distribution systems that could bloat a falsehood to an exponentially growing audience. There has been insufficient action on their part to stem the flow of mistruths and

disinformation. And when the pandemic struck, their response was slow and unsatisfactory.

Social media platforms could also be used as weapons, spreading hate and, by using a hashtag, to gather a digital mob to spread abuse or rumours under cover of anonymity. All this with little or no self-regulation. In times of political extremes, social and political change, and war, the social media platforms have resisted moves to suspend or take down offensive or inaccurate posts until pressure finally forced them to unwillingly make modest changes.

The pandemic also saw the development of a crisis for regional journalism. In 2020 up to 150 media businesses, the majority in regional Australia, temporarily shuttered or close forever. Up to 1000 journalist jobs were lost across the country.³⁹⁴ After much lobbying by MEAA and others, the Public Interest News Gathering program offered a modest amount to keep regional businesses going but again, this was directed at the biggest media corporations and not the smaller outlets that needed it most. Audiences lost out once more.³⁹⁵

However, in the battle against disinformation, it is politicians who have misused social media.

From the White House, a president could invent any falsehood he liked and ensure it spread rapidly thanks to his social media channels. At the same time,





and with the same weapon, he could decry the truth reported by traditional media outlets as simply “fake news” and goad his followers to take up the cry.

It couldn’t happen here? Australian politicians have been adept at manipulating social media and running away from questions asked by traditional media. They have, on occasion, also called out what they say is “fake news”.

The pandemic has taken all these elements that were already there before the first COVID-19 case was diagnosed and detonated them.

A global survey of 1400 journalists found that 46 per cent of respondents identified politicians and elected officials as a top source of disinformation about COVID-19.³⁹⁶

Meta Platforms Inc.’s Facebook was the most frequently identified social media platform as a prolific disinformation vector (66 per cent). More than a third (35 per cent) also nominated the Facebook-owned closed-messaging app WhatsApp as a top spreader, while

Instagram (also Facebook-owned) was identified as a top enabler by 11 per cent of respondents, and Facebook Messenger was cited by 9 per cent. Twitter was identified as a prolific disinformation spreader by 42 per cent of respondents.³⁹⁷

Politicians also used the health crisis to wage battles with their opponents. State premiers and the prime minister would resist using the term “lockdown”. Messages about the virtue of a “hard and fast” lockdown versus “slow and steady” were played out in column inches and on nightly news. What was happening across that border was either right or wrong this side of the border.

All the time and breath spent on political rhetoric meant nothing to the COVID virus.

A combination of a weakened media industry, desperate to cling on to their audience and advertisers; social media platforms that wield enormous power but with little responsibility; politicians who wage political warfare at any price – even in the midst of a global health

crisis – all these engaged an audience where trust in the truth-tellers had been weakened – for many people, perhaps irrevocably.

The protests about COVID began to be dangerous for journalists. Reporting on a protest could have you targeted by protesters, arrested by police, harangued, abused and threatened. Speakers at these protests could encourage the mob to believe that the media was the real virus and, come their takeover of the country, journalists would join politicians, judges, police and others in being executed – words that would bring raucous cheers from the crowd.

If that’s what some people want to do to journalists, how, then, to restore trust in the media?

The Nieman Lab has been tackling the issue of trust in the media and how to rebuild it for several years.³⁹⁸ It commented on a report by the Reuters Institute for the Study of Journalism that offered a bit more insight into what’s driving distrust in news organisations across the world.

The Reuters Institute initiated a poll conducted by YouGov that sought the opinions of around 18,000 people across nine countries: Australia, the U.S., Germany, UK, Ireland, Spain, Denmark, France and Greece.

Asked why they don't trust the news, two-thirds of people (67 percent) cited concerns about bias, spin, and hidden agendas as a reason they don't trust what they read.

Trust in news is higher among people above the age of 35 (42 percent) than those younger than 35 (34 percent) and people of low income (35 percent) The study's report believes that "brands, particularly journalistic ones, don't gain trust overnight, and it may be a long while before news organisations see their renewed emphasis on fact-checking and journalistic transparency pay off among readers broadly."

The report said that video is a key driver of trust. The study explained that "if you want people to trust what you say, show, don't tell". The belief is that television is seen as less open to manipulation compared to text and photo; the survey's respondents said that the presence of visuals gives them more confidence that a news report is true. "Usually, the news media can offer images or video or interviews or statements that show what they are reporting or that they are from official sources," a respondent in Australia said.

The study warned however, that "it's a scarily likely possibility that even this could change as new technology makes it easier to fake video footage as well."

The audience's relationship with social media will continue to be complicated for traditional media. "While social media has become a central source of news for many people, just 24 per cent of respondents said that social media does a good job of helping them separate fact from fiction. Put another way, just because people are on Twitter and Facebook all day doesn't mean they trust everything (or even most things) that they read... Roughly 35 per cent of

respondents who distrust social media cited the lack of fact-checking and the prevalence of opinion-driven information as the most significant reasons. (Notably, just five per cent of these people said they lacked confidence in social media because of a distrust in virality and the platforms' algorithms, suggesting either that few are concerned about technology's role in presenting the news they read, or that few are aware of it.)"

Winning the battle of trust versus disinformation will require effort. While traditional news media outlets have taken steps to make their reporting more open and transparent and include fact-checking services, there is still a lot of work to do when it comes to distinguishing the outlets' journalism from the mass of disinformation available on the internet.

The study proposed that media outlets continue trying to recover audiences by shifting away from a reliance on digital advertising in favour of audience-supported business models. That should help outlets get off the reliance for eyeballs and to focus more on deeper investigations that produce high-quality public interest journalism that will help build trust with their audience.

The study also issued a challenge for social media platforms. "Facebook and Twitter, too, must grapple with their role in the trust problem, particularly when it comes to identifying trustworthy news sources on their platforms."

Politicians must also grapple with the trust issue. Audiences come to know their elected representatives through traditional media and social media. While politicians can, to a degree, control their image on social media, it is traditional media (and, in turn, when traditional media distribute news content on social media channels) where politicians have lost the trust of their electors.

Politicians and governments must do more than talk about respecting press freedom. A healthy, functioning democracy must have at its heart

openness, accountability and transparency. Politicians must be responsible, approachable, honest and forthcoming. That's their job.

The workings of government should be open to scrutiny. Journalists should not be blocked by Freedom of Information applications that are delayed, blocked or ignored. Politicians should answer the questions asked and not parry with the non-answers they choose to give. Legislation should not be used to criminalise public interest journalism, intimidate and silence whistleblowers and shroud the truth by classifying it "secret".

Restoring trust in the media won't be easy. It is a press freedom issue for everyone in the community.

Rebuilding trust will take time. It will require investment in understanding what audiences want and engaging in more open and transparent reporting that is fact-checked and reliable. An emphasis on ethical journalism is vital. MEAA's *Journalist Code of Ethics*³⁹⁹ fulfils several roles:

- to establish and apply guidelines for ethical behaviour as part of MEAA's role as the union and professional association for Australia's journalists.
- to codify conventions of ethical journalism practice.
- to provide professional protections for journalists to maintain their ethical obligations and to resist any compulsion to breach the code, with the support of their colleagues and their union.
- to aid the practice of high-quality public interest journalism by establishing reporting markers for journalists to apply in their work; and finally
- to help engender trust between journalists and the audiences they serve.

Press freedom is not just something that only journalists must defend and champion – it's a principle that must be safeguarded for all.

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