



28 March 2024

Ms Kate Reader
General Manager
Digital Platforms Branch
Mergers, Exemptions and Digital Division
Australian Competition and Consumer Commission
Level 17, 2 Lonsdale Street
Melbourne Vic 3000

Dear Ms Reader

News Media and Digital Platforms Mandatory Bargaining Code (the “News Bargaining Code”)

Thank you for your letters of 7 March 2024 and 15 March 2024. The announcement by Meta of its decision to remove Facebook News and cease entering into new commercial deals for traditional news content in Australia is of serious concern for our sector, as it is across the Australian media.

This submission responds to your questions and raises contextual issues for community broadcasters. In short, while there are barriers to our members accessing the News Bargaining Code (which need to be addressed) it still remains highly relevant to our sector's future. Further, Meta's social media platforms are widely used by community broadcasters and are important for their organisation's communication with the Australian public. The removal of news media organisations from Facebook and Instagram would have a demonstrably damaging effect on the communities across Australia who look to community radio for their news and information. The consequences of this action were experienced in February 2021 when Facebook temporarily took down media and other sites.

Our members and their role in the Australian media

Our organisation represents 450+ not-for-profit community broadcasters across Australia, delivering 500+ radio services on AM, FM and DAB+ platforms as well as streaming, podcasts, catch-up and social media engagement online, which are accessed and enjoyed by around 5 million Australians weekly.

As recognised in the *National Cultural Policy Revive: a place for every story, a story for every place*, community broadcasting is a vital part of the Australian media landscape, and we significantly contribute to the diversity and localism of the Australian media. Produced by over 17,800 volunteers and 1000 employees across Australia, community radio provides a lifeline and platform for diverse Australian communities including First Nations people, culturally and linguistically diverse communities, education, faith-based communities, people with disability LGBTQIA+, youth and seniors.

We are a key point of support for social cohesion and civic engagement for communities:

- 158 community radio services are operated by 51 First Nations organisations, with First Nations Australians 37% more likely than the general population to listen to community radio.
- 77% of our licensees are based in regional and remote areas.
- Almost one in two community radio listeners give news and information as their main reason for listening, a figure which rises to 66% of listeners in regional areas.
- 1.35 Culturally and Linguistically Diverse people listen to community radio for an average 16.5 hours weekly.
- Apart from general news, community radio stations, through their hyperlocal nature, “offer an important source of information during emergencies particularly for Australians in remote communities” (Royal Commission into National Natural Disaster Arrangements).

Our sector's strategic plan *Roadmap 2033* includes the goal of securing capacity to meet community need, including to "Connect and resource broadcasters to produce trusted, independent, locally relevant news and current affairs particularly for underserved communities" with the following benefits:

- Community broadcasting contributes to a strong and diverse news media market helping to promote pluralism and protect our democratic processes – ensuring Australians have access to a range of sources of news, information and current affairs.
- Increased station capability and capacity for local news and current affairs production including more paid journalists in stations, connecting and sharing content.
- A sustainably funded and expanded community radio news and information ecosystem is achieved by developing the collective strength and capacity of community broadcasters delivering national through to local news and current affairs for underserved communities.
- Having contributed to addressing news deserts, people particularly in regional areas have a trusted high-quality news service that includes local and national news relevant to their lives.
- Community broadcasters are resourced to translate and contextualise government messages, ensuring their communities have access to critical information and services so their audiences are fully engaged in democratic and civic processes.

Our members already contribute significantly to providing the community with quality news and information services and our sector plans, in coordination with Government, to strengthen these services over the next decade.

Dealings with Meta

To date, our sector's dealings with Meta under the News Bargaining Code have been limited due to actual and perceived barriers. The income threshold in the eligibility test excludes over 60% of our members, which are primarily small organisations reliant on donations, subscriptions and grants. Further, the Community Radio Broadcasting Codes of Practice are not explicitly referred to in the eligibility criteria. This is not a practical barrier as the ACMA considers our Codes to be analogous to the editorial standards specified in subparagraphs 52P (1)(a)(i), (ii) or (iii) of the News Bargaining Code. However, the lack of visibility of the Community Radio Broadcasting Codes of Practice in the News Bargaining Code creates an unclear impression that our members eligibility is questionable.

However, given the emphasis on news enhancement in our sector *Roadmap 2033*, it is likely that there will be greater focus on securing registration under the News Bargaining Code, either individually or collectively, and it is hoped that it can become increasingly accessed by parts of our sector.

Apart from the individual agreements, the Meta Foundation has also invested in news publishers through the Walkley Foundation and the Meta Australian News Fund, now in its final year. If this funding is not renewed due to Meta's withdrawal from the Australian news market, this will remove a key option for Australian news publishers to fund journalism and news innovation.

Our organisation has secured approximately \$230,000 funding from the Meta Foundation as administered by the Walkley Foundation for disability inclusive and first nations journalism as well as support for community radio stations to collaborate on and share resources for news bulletins. In accordance with the values of community broadcasting, these funds have made an important contribution to inclusion of underserved communities in Australian news media.

Why Facebook and Instagram are important for community radio

Social media is now an important tool in contemporary broadcasting practice that supports content communicated through other media. Hundreds of our members promote and amplify their content, interact with their audiences and monitor audience engagement through Facebook and Instagram.

In February 2021 our members – including First Nations, multicultural, regional and other diverse communities - experienced the impact of blank social media pages when Facebook decided to take

down news organisations (and others) in response to the then impending News Media and Digital Platforms Mandatory Bargaining Code. This action affected some of the most marginalised and vulnerable communities in Australia, who were limited in their capacity to engage and connect with their audiences. The essential nature of social media to many stations is well illustrated in the following case study:

Wangki (Wong-ghee) Yupurnanupuru Radio

After Western Australia's worst ever flooding event in the Kimberly, the Fitzroy River reached record levels and communities were cut off. On 4 January 2023, First Nations community radio station Wangki Radio went off air for two days due to transmitter damage.

Despite this, station staff were able to provide vital news to their community through regular posts on Facebook and Instagram which were delivered in English and Kriol.

Topics they posted on included emergency updates, local information, bridge repairs, food availability and postal services. Dedicated community radio staff continued to provide these news updates through Facebook and Instagram despite being personally affected by the flooding. The Wangki team also became a key source of information and media for journalists nationwide who could not access the region. Photos taken by staff were used by major news outlets such as the ABC.

Wangki could not have maintained this service for its audience without its Facebook and Instagram channels, which were literally a lifeline for their community during the transmission outage.

Community radio by its nature (and through the licence conditions of individual stations) is designed to serve the needs of their communities of interest. The two-way engagement offered by Facebook and Instagram, which are two of the most widely used social platforms, is now an essential part of that.

Impact of potential removal of Facebook and Instagram news content

As outlined above, our members, along with other Australian organisations, have already experienced the impact of the removal of their services from Facebook. Were this to occur during emergencies, such as the example above, the impact on their audiences would potentially very serious.

The presence of community broadcasters on Facebook and Instagram also offers public interest benefits, as they contribute to the presence of reliable and trusted news and information sources on social media. All stations in our sector operate under the Community Radio Broadcasting Codes of Practice, which are approved and registered by the Australian Media and Communications Authority (the ACMA) under the *Broadcasting Services Act 1992*, and through this process they are aligned with community expectations.

In regional and remote areas, the removal of media from Facebook and Instagram has the potential to worsen existing news deserts, especially for those audiences who are now accustomed to looking for information on social media. Issues and concerns around the decline in local news have been well documented elsewhere, for example in the Government's current NewsMAP consultation.

The [Canadian experience](#) with Facebook, though relatively recent, suggests that smaller organisations will be disproportionately affected if news is removed. In the case of our sector, this action potentially suppresses the voices of some of Australia's most marginalised, under resourced and underserved communities and reduces the channels available for those communities to receive important information, including in their own languages, about health, emergencies and other matters of public interest.

Based on overseas experience, and an understanding of existing news traffic, it can be fairly assumed that the removal of media sites would result in loss of audiences, loss of engagement and potential migration of Facebook and Instagram users to less trustworthy sources of news and information which will remain available on their sites.



Further, as small, not-for-profit organisations largely run by volunteers, community broadcasters rely heavily on Facebook and Instagram to communicate not only with their listeners but also their volunteers and workers, so their removal from Meta's platforms would also have an operational impact.

More broadly, the removal of trusted news also creates a vacuum which, experience shows, is likely to be filled by misinformation and disinformation from unverified and unregulated sources which are not subject to the ethical obligations and industry Codes applied to the Australian news media. To date, the large social media companies have not adequately addressed the proliferation of this sort of material, requiring consideration of policy interventions such as the exposure draft of the *Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023*. While not covered by this consultation, the need for regulation of public interest obligations on large social media platforms remains a live and very significant issue.

In conclusion, our organisation considers the best outcome for the Australian news sector would involve the continuation of Meta's support for the Australian news sector, including the community broadcasting sector, and the guaranteed continuation of our members' presence on Meta's social media platforms alongside other trusted Australian media organisations.

If you would like to discuss these matters further, please do not hesitate to contact Head of Advocacy and Communications Reece Kinnane at reece.kinnane@cbaa.org.au or via (02) 9318 9600.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jon Bisset'.

Jon Bisset
Chief Executive Officer