7. ‘If it ain’t broke, don’t fix it’—Australian media industry attitudes to regulation and accountability reforms

ABSTRACT

When the Australian Independent Media Inquiry (IMI) published its report most mainstream media reporting focused on the suggested statutory-based News Media Council and largely ignored any discussion of the underlying issues—public trust in journalism and news media and accountability for its practices. The aim of this study was to capture the attitudes held by the media industry toward these issues.

Based on a content analysis of 33 submissions to the IMI and the Convergence Review it can be concluded that only 15 percent of the submissions addressed trust or media accountability issues. Furthermore, the submissions illustrate a disconnect between the attitudes held by some media proprietors and the trust deficit reality displayed in multiple studies of the public’s attitudes to journalism and news media.

Keywords: media accountability, media regulation, Independent Media Inquiry, Convergence Review

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THIS IS the second article in a series of three dealing with media accountability. The first paper (Lidberg, 2011) described the Norwegian one-stop shop committee that handle complaints regardless of media format. This second project is based on an analysis of the Australian media industry’s submissions to the Independent Media Inquiry (IMI) and the Convergence Review (CR). The third forthcoming study will seek to map the attitudes toward media accountability held by the Australian public.

The year 2012 has been a momentous one for journalism globally. Ethical and legal issues had been brewing for some time within the News International newspapers in the UK but the extent to which these journalistic and legal malpractices reached into parts of the English legal and political systems were hard to foresee. The UK Leveson Inquiry into Culture, Practice and Ethics of the Press has laid them bare.

The closure of the *News of the World (NOTW)* sent shockwaves, not only in the Murdoch media sphere, but throughout the English language media world. The journalistic legal and ethical debacles exposed in the wake of the *NOTW* scandal fed into a growing dissatisfaction with media accountability in Australia and led to the establishment of the Independent Media Inquiry into the Media and Media Regulation in Australia[1] and forced publishers to engage in a process of reflection considering their ethics and journalistic practices.

The IMI was an opportunity for the media proprietors to take a close look at issues of media accountability and a concept seldom addressed but which sits at the core of the journalism—public trust.[2] This article will show that most of the newspaper owners squandered the opportunity to engage in honest soul-searching. Instead, other media industry bodies provided the bulk of the reflection on the current media ethics system in Australia.

Using the nvivo qualitative research software, all media owner and industry submissions[3] to the IMI and the Convergence Review were analysed based on key words drawn from the IMI and CR discussion papers relating to media regulation and accountability.

Apart from five notable exceptions, the data show that all other submissions claimed that any strengthening of the current regulatory system would be an attack on freedom of expression and, thus, indirectly freedom of the press. Most submissions failed to get past the regulatory issues and engage with the aim of media regulation—accountability and public trust in journalistic practice.

The first part of the article will provide the background to the inquiries followed by a description of the methodology and the findings. The final part will discuss the findings and outline future research

Background

It should be made clear from the outset that the term media accountability is problematic as it equates journalism with 'the media'. A better and clearer

terminology would be journalistic accountability. Journalism value adds to some of the products published by media companies—in other words, the media is a vehicle for journalistic practice. There is of course a symbiotic relationship between commercial media companies and journalism. However, by folding journalism in under the wide term 'the media', the unique standing and task of journalism is somewhat lost—it becomes part of a grey mass that includes, film, TV drama, the music industry, fiction publishing etc. Part of the explanation to why some media company owners fail to understand the importance of public trust in journalism can possibly be found in not distinguishing between journalism and 'the media'. The term 'media' in this article refers to journalism across all media.

Regulation and accountability

Media regulation is a means to achieve the end, which is accountability. Too often this very basic premise is forgotten or not reflected upon. One of the reasons for this may be that debate and discussion often centres on and gets stuck on regulation. The findings in this study outlined below are an illustration of this. Only five of the 33 media industry submissions to the IMI and the Convergence Review contained any mention or discussion of the concept of media/journalistic accountability. This is worth noting considering the current upheaval in the commercial media sector—probably the biggest transformation in the history of journalism with media companies around the globe struggling to adapt to the rapidly changing digital media landscape. In this challenging transformation, that also offers many new exciting possibilities, the major asset for media companies is public trust in their brands, which in turn is built on journalistic and editorial independence, integrity, fairness and balance. Integral to maintaining these properties is to make your professional practices accountable to your audience/customers (Kovach, 2007).

In an ideal world the market forces would take care of this—when a publication loses the trust of its audience it would go out of business. Unfortunately this does not always happen. Exactly why this is the case is unclear and requires further research. One possible explanation was put forward in the IMI report:

> Often, however, readers are not in a position to make an appropriate informed judgement [regarding editorial content]. They expect news

> stories they read to be accurate. Usually only the authors/publishers, and the subjects of the story, know the extent to which a story lives up to that expectation. (Finkelstein, 2012, pp. 110-111)

As a matter of fact, severe consequences for journalistic malpractice, e.g. the closure of the *News of the World*, is the exception rather than the rule. This is why we have media regulation via laws, ethical codes and self and coregulation.

There is broad consensus on the fact that media and the practice of quality journalism, such as investigative reporting, plays an important role in healthy liberal democracies (Finkelstein, 2012, pp. 29-35). News media have been elevated to the level of other building blocks in representative democracy: the legislative, the executive and the judiciary. The first three estates operate under strict accountability systems. The Fourth Estate—the media—is of course an informally allocated role and must remain informal for journalists to maintain their independence and integrity. However, this does not mean that the media should escape accountability. As a matter of fact, accountable practices are vital for media to maintain the legitimacy by which they have earned their elevated role.

There is no reason why the contract between the media and the public could not be viewed as a form of representative democracy, albeit with some vital elements missing such as elections. However, one could argue that the public does cast a vote of sorts in media companies when it buys and consumes their content. This will be further discussed below. Before the methodology is described and the findings are summarised, it is necessary to briefly outline the current media regulation and accountability system in Australia.

Media regulation

The current regulation system in Australia takes a two-tiered approach. The newspaper publishers are self-regulated via the Australian Press Council (APC). The council has no statutory base and is funded by its members—the publishers. The council can also hear complaints made against online news sites run by APC members.

The broadcasting sector is co-regulated based on the *Broadcasting Services Act 1992*. This arrangement allows broadcasters to draw up their own self-regulatory codes of conduct, which are registered with the Australian Communication and Media Authority (ACMA), which can investigate

complaints but only after a member of the public has lodged a complaint to the ACMA. The complaint must first be made to the network in question which has 60 days to respond.

The journalists' union, the Media, Entertainment and Arts Alliance (MEAA), has an ethics panel where the public can lodge complaints against individual journalists. This panel is part of the self-regulatory system.

The final and fourth body in the current Australian regime is the Australian Competition and Consumer Commission (ACCC). This agency administers the *Competition and Consumer Act 2010* (formerly the *Fair Trade Practices Act 1974*). Although the ACCC is not part of the self- or co-regulatory system, it needs to be mentioned in this context as it has taken a pro-active role in identifying and prosecuting so called 'advertorials'[4] and has de facto become a part of the media regulation system in Australia (Pearson, 2011, p. 435).

So, to hold media companies and journalists to account in Australia you need to know and understand the system. In fact, to get anything done you need to have wide ranging expertise. Making complaints is in many cases time consuming. In the first paper in this series it was pointed out that the current Australian media regulation and accountability system has multiple flaws:

> Breit has described the Australian system in further detail and discussed whether it is able to meet the demands of the 'knowledge society' manifested by the new online publishing formats (2008, p. 506). Pearson also questions the functionality of parts of the current media ethics regulation system in Australia (2011, p. 429). The Australian Press Council indicated in its 2009/10 annual report (A. P. C. APC, 2010) that reforms to the Australian media ethics system are needed. There is plethora of analysis and discussion of the Australian regime (eg Richards, 2005; Tanner, 2005) but few concrete suggestions of reform paths. It should be pointed out that the long running ABC TV program *Media Watch* offers an, at times, more satisfactory avenue for media ethics grievances than the official complaints/accountability system. However, *Media Watch* can never fulfill the media accountability role on its own. Indeed, the importance of the TV program has in itself become an illustration of the inadequacies of the official system. (Lidberg, 2011, p. 114)

It was clear to most observers, commentators and researchers that the Australian model needed reform.

The inquiries

When *The Guardian* senior journalist Nick Davies blew open the phone hacking story in early July 2011 with his report on the hacked phone of murdered teenage girl Milly Dowler, the Convergence Review had been underway in Australia since early 2011. Apart from addressing technical aspects of the future of digital broadcasting in Australia, the terms of reference for this wide-ranging inquiry also covered issues relevant to the future media content regulatory system across all media and formats.

For some time before the woes of News International in the UK, academics, commentators, politicians and other observers had pointed out that certain parts of the Australian media put campaign journalism before factual reporting taking sides in politics and in the public discourse at times furthering their own business interests (Manne, 2011; McKnight, 2012). The alleged crimes and ethical transgressions that led to the closure of the *News of the World* probably contributed to the establishment of the IMI, but even before the phone hacking scandal in the UK, it was pointed out that the Convergence Review did not cover the newspaper part of the media industry specifically, and especially in the wake of the *NOTW* debacle, this was seen as a problem.

In sum: there were a number of factors that contributed to the establishment of the two media regulation inquiries in Australia.

- Technical development—the internet is changing the media industry turning newspaper publishers into broadcasters via the world wide web. Digital broadcasting offers new spectrum and frequencies.
- The widespread criminal and ethical malpractices at News International's UK newspapers.
- The outdated and confusing Australian media regulation system

Method

The research question for this project was:

Based on the submissions to the Independent Media Inquiry and the Convergence Review—what attitudes does the Australian media industry display toward public trust in its content and accountability and reforms of the media regulation system?

The IMI issues paper was divided into five key areas:

Access: How the media and others perceived access to publications in terms of right of reply, reporting all or at least a fair amount of the different

Table 1: Submissions to the IMI and CR analysed in this study

Independent Media Inquiry	Convergence Review
Australian Associated Press (AAP)	Australian Interactive Media Industry Association (AIMA)
APN News and Media	Australian Broadcasting Corporation (ABC)
Country Press Australia	APN News Media
Delimiter	Australian Press Council (APC)
DMG Radio	Channel 31 (community television)
Eric Beecher	Commercial Radio Australia
Fairfax Media	DMG Radio
Media Entertainment and Arts Alliance (MEAA)	Fairfax Media
News Limited	Free TV Australia
Newspapers Publishers Association	Media Entertainment and Arts Alliance (MEAA)
Ninemsn	News Limited
Organisation of News Ombudsmen (ONO)	Network Ten
Property Review Australia	ninemsn (joint submission among other Yahoo7, eBay and Google)
Special Broadcasting Services (SBS)	Seven West Media
Seven West Media	South Cross Austereo
The Global Mail	
West Australian Newspapers	
Workday Media	
TOTAL: 18	TOTAL: 15
Total submissions both inquiries: 33	

Notes:
1. The Australian Rural Publishers' Association (ARPA) made a one-page submission that supported and referred to the Fairfax Media submission.
2. Ericc Beecher submitted as an individual. He was included because he is a publisher and as such his views are relevant even when they are expressed as an individual.

sides in stories, the level of *trust* in publications treating topics fairly and the treatment of sources.

Standards: Are the current codes of conduct adequate? Do they work in terms of holding media to account? Do the current codes work in the online environment?

Regulation: Is self-regulation of the newspaper industry necessary to maintain independence from government? Is the Australian Press Council

(APC), effective in regulating both print and online news? Should the APC be strengthened (e.g. funding and statutory based)? Should the APC be replaced with a statutory body? Are there any reasons why the regulation of print media should be different compared to the broadcast of online media?[5]

New business models: Impact on investment in quality journalism (e.g. investigative reporting).

Support: Is there a case for supporting small and independent media companies catering for minority audiences and covering issues large mainstream media companies do not cover, i.e. public interest journalism vital to the democratic system? (Finkelstein, 2011).

Formally the IMI reported to the Convergence Review which was asked to consider the IMI recommendations in its final report.

As noted above, the Convergence Review was a much more technical and broader review dealing with matters such as broadcast spectrum. However, it also asked for submissions regarding regulation and it was considered pertinent to include the industry submissions to the CR to cover any reflections or discussions on the importance of public trust in the content produced and the accountability of professional journalistic practice. The CR was less explicit in its discussion papers regarding journalistic content, but it did list 'community standards' and how these could be safeguarded, as one of the areas of importance.

The media industry in this project is defined as media owners, industry organisations and associations such as the union, the APC, Australian Publishers Association, Organisation of News Ombudsmen etc (see Table 1). A significant number of the submissions to the two inquiries were made by academics and research centres. Some would argue that they should be included in the media industry category. However, academics and research groups have limited direct impact on the day-to-day editorial decisions made in newsrooms, hence it was decided to focus on those that are closer to the daily journalistic process as this sample would provide data most valid to the research question. An analysis and compilation of the academic submissions is a separate study.

After an initial reading of the submissions it was decided that the nvivo qualitative data analysis software would make the data query and coding process much quicker and more reliable. Based on the IMI and CR issues papers a number of categories were created. These are listed in Table 2.

Table 2: Categories and key words

Category	Key words
ACCESS CHANGE ACCESS NO CHANGE	Response, fair AND comment
REGULATION CHANGE REGULATION NO CHANGE	Australian Press Council AND APC, toothless, sufficient AND APC, confidence AND APC
STANDARDS CHANGE STANDARDS NO CHANGE	Trust, accountability, public, quality, content, best practice
SUPPORT NEEDED SUPPORT NOT NEEDED	Market, business AND model

To describe the categories the IMI and CR issues papers used a number of key words (see Table 2) that were subsequently used in the coding instrument in this study.

The search and code tool in the software was used to do the initial coding. Then each submission was manually checked to make sure the coding of the text segment in question was coded at the correct category. As you can see in table two the categories had one *Change* and one *No change* category. The thought behind this was to capture the attitudes held by the media industry actors, if they identified that there were issues regarding public trust and professional accountability and whether the current regulation system delivered sufficient accountability. The keyword search indicated the text sections to be coded. Depending on the context and meaning of the segment it was then coded into the category of *Change* or *No change*.

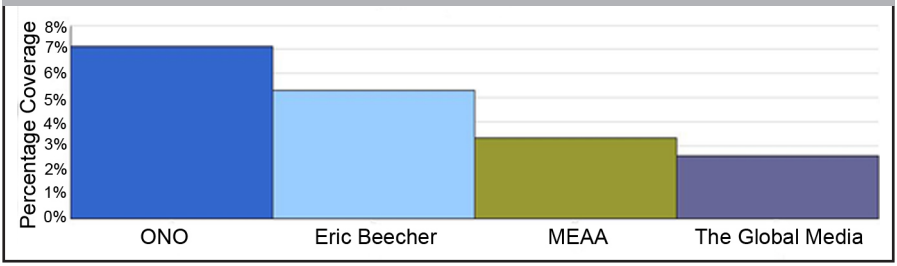
Findings

The most important finding was that of the 33 submissions to the two inquires only five submissions addressed the issue of public trust in journalism and its connection to professional accountability. These were the submissions of the Australian Press Council, the MEAA, ONO, Eric Beecher and the *Global Mail*. All the 'old media' companies such as News Limited, the commercial broadcasters, Fairfax Media and the publishers' associations conveyed the view that the current system was sufficient and that more or reformed regulation was not needed. If anything the mainstream media companies wanted less regulation and the word 'accountability' was nowhere to be found in their submissions.

The independent media inquiry - standards

For the category 'standards', the analysis revealed that the vast majority (78 percent) of the submissions did not use the key terms 'accountability' or 'trust' in the meaning of media accountability or public trust in journalism. The submissions that did mention and discuss the terms are illustrated in Figure 1, which displays how much space in the submissions was dedicated to these topics.

Figure 1: Standards change - coding by item



Only 22 percent—four out of the 18 IMI submissions—took the opportunity to engage on the topic of media accountability and public trust. Erich Beecher's and the ONO's submissions were the ones that most prominently raised the issues. Beecher argued for increased media accountability via a strengthened press council that should:

> …cover all print and online journalism, lift audience awareness of its existence and role, improve response times to address complaints, publish adjudications that people can understand, ensure publishers place those adjudications in a prominent position, force publishers to admit when they are wrong, and broaden its funding base to avoid perceptions of conflict of interest. (Beecher, 2011, p. 7)

The Organisation of News Ombudsmen (ONO) is an international not-for-profit association that organises and provides support to the readers' editors/ombudsmen globally. Australia currently has three members: *The Sydney Morning Herald's* reader's editor, the SBS ombudsman and the ABC's executive complaints reviewer.[6] The ONO, in its submission, emphasises the connection between media accountability and professional standards:

> There is a clear relationship between complaints handling and editorial standards; they are each engaged, one proactively and one reactively, in ensuring the maintenance of professional standards and providing a mechanism of transparent accountability within news organisations. (Begbie, 2011, p. 1)

The journalism union, MEAA, was also far reaching in its suggestions for change. The MEAA's proposals are closely connected to regulation change and hence covered under that heading below.

Some of the new online-only publications such as *The Global Mail, Property Review Australia* and *WorkDay Media* (although the two latter did not argue directly for changes to standards or regulation) are much more open, compared to the established, old media companies, in discussing the importance of trust and accountability.

The mainstream/established media companies argue for status quo. This is best illustrated by the submission by Seven West Media:

> The notion that public members [of the Australian Press Council] are in a better position to assess complaints than professionally trained journalists should also be reconsidered. Where complaints are referred to the complaints sub-committee, the sub-committee should be made up of four representatives, one each from the public and publisher representatives and two professional journalists not currently employed by the publisher of the relevant material. The concept of peer review is widely accepted in other professions as providing the most effective means to review the work of others and would bring a greater degree of expertise and understanding to the complaints handling process and engender a greater degree of respect Press Council members and the public. (S. West, 2011, p. 1)

The reasoning displayed in the quote above shows a lack of understanding of the trust and accountability issues raised in the IMI's issues paper. Public trust is not mentioned once in the Seven West Media submission. Accountability is mentioned once, but refers to holding governments and other societal powers to account. This is further discussed below.

Regulation

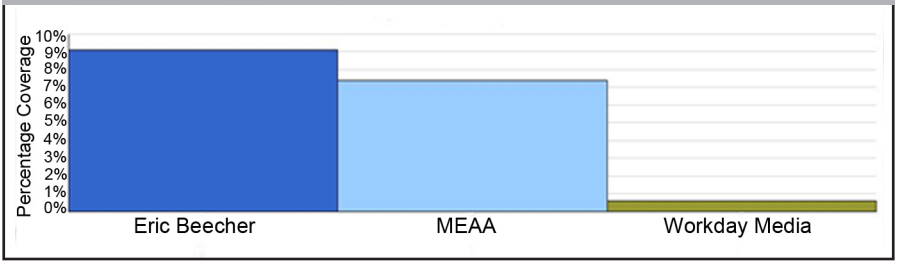
Journalistic standards, accountability and public trust are closely linked to the regulatory system. Predicably the same individuals and organisations

that advocated for lifting standards argued for the need to change the media content regulation regime in Australia—Figure 2 illustrates this.

The MEAA's submission stands out in this category. It opens with a quote from one of the most senior Australian journalists, Laurie Oakes.

> We've got a problem; those of us involved in journalism, I mean—a big problem. The *News of the World* phone hacking scandal has focused attention on it, although it's been there for quite a while, slowly getting worse.
> I'm talking about a declining trust in what we do and the way we do it. I know trust in other occupations and institutions has headed south as well.
> Contempt for politicians has reached a new level, judging by the way the Prime Minister is treated. And there are a lot more jokes about lawyers than about journalists.
> But we need to worry about our craft. If people lose trust in what we do there's not a lot of point doing it. (Warren, 2011, p. 2)

Figure 2: Submissions supporting regulation change



Based on the 'twin crises of trust in journalism and the so-called "perfect storm",. which has hit news organisations over the past five years: the disruption brought by digital technology (ibid)', the MEAA argues for far-reaching changes to the media regulation system. It even proposes the abolition of its own media ethics panel.

> However, the National Ethics Panel can only hear complaints about Alliance members who are bound by the Code of Ethics. It is also clear from letters of complaint which are received by the Alliance that in many cases the public are confused about where to complain, what sort of behaviour constitutes a breach of ethics and what sanctions can

> be brought to bear in cases where journalists have behaved unethically. The notion of a 'one-stop shop' for media regulation and advocacy is increasingly common across the world and the Alliance believes there currently exists an opportunity to address public's confusion and address other concerns.
> To this end, the Alliance has reassessed its role as a complaints-hearing body. (Warren, 2011, p. 9).

The MEAA submission supports the Australian Press Council's suggestion of a unified one-stop media ethics council that receives and handles complaints against all media outlets regardless of publication format (ibid, p. 10).

The majority (84 percent) of the submissions can see no issues with the current print media self-regulatory system headed by the APC. This is illustrated by the ninemsn submission:

> It has been said that the Press Council is 'a toothless tiger' and that self-regulation doesn't work because there are not sufficiently robust complaints and enforcement mechanisms. We have not seen any specific evidence to suggest that either offline or online Australian news media is unresponsive to public complaints. (Duxbury, 2011, p. 7)

The above argument is made in close to all media company submissions. It of course begs the question—what about the low public trust in Australian journalism displayed in the large number of public surveys and studies summarised in chapter four of the IMI report? Is this not 'specific evidence'? This issue will be discussed further below.

The other two categories, *Access* and *Support*, largely followed the divide in attitudes illustrated by the tables above. The old media companies thought the current level of access to media in terms of, for instance, right of reply was adequate and in terms of support they pointed out in their submissions that the market is the best regulatory mechanism for who survives as a media company. They saw no democratic reason for supporting new publishers with a non-profit and public interest profile.

The Convergence Review

Although the Convergence Review mostly dealt with technical matters and the amount of Australian-produced content, it was deemed necessary to analyse the submissions that responded to the issues paper on layering and

regulation to capture any media company and industry bodies attitudes toward content standards, trust, accountability and regulation that had not been captured in the IMI analysis.

Many of the submissions rehashed the arguments already made to the IMI regarding standards and regulation. The analysis correlates the findings in the IMI content analysis. However, one issue that stands out is that both the commercial TV networks and some of the new actors on the 'broadcast scene', such as News Limited, want less regulation. They want the broadcast sector to become self-regulated, rather than the current co-regulation under the *Broadcasting Services Act 1992* (FreeTV, 2011; News, 2011).

The most far-reaching submission in terms of standards and accountability and regulation is from the Australian Press Council. In sum the APC argues that in a converged media environment where print media companies are increasingly going into broadcasting online, it makes sense to work toward one media ethics complaints body that should still be independent of government and not statutory based. This is a summary of what the APC suggested the one-stop shop council should do:

> • setting and promulgating Standards of Practice for the publication of news and comment across all media;
> • assessing levels of compliance with those Standards and handling complaints about possible breaches of them;
> • promoting freedom of expression and access to information wherever it considers the public interest so requires…
> ...The Council should be funded sufficiently to carry out its responsibilities and the funding commitments should be sufficiently longterm to ensure adequate independence. The majority of the Council's funding should be contributed by providers in accordance with agreed criteria. At least one-third of the funding should be contributed by government or other non-media sources. (Australian, 2011, pp. 8-10)

As we shall see, the APC achieved some of its goals after the IMI report had been published.

Discussion

Out of the 33 industry submissions to the IMI and CR only five address the issues of public trust in journalistic content and practices and how this connects to accountability and, more importantly, of the five that did discuss

these issues, only two were media proprietors. The rest were industry bodies—the union, the APC and the Organisation of News Ombudsmen. This points to a serious disconnect between mainstream media companies and the public—their customers. The disconnect was pointed out in chapter four of the IMI report quoting Bob Cronin's, group editor-in-chief at the *West Australian*, testimony in one of the IMI hearings:

> I would also like to address some of the errors of fact and erroneous assumptions that have been bandied about. One of these, put forward as far as I can see without a scintilla of evidence, is that journalists routinely are inaccurate and biased, they lack integrity and ignore accepted press principles. (Finkelstein, 2012, p. 109)

The IMI report then goes on to list a large number of surveys, research projects and case studies to unequivocally show that there exists a major trust deficit between the public and journalistic practice and news media in Australia with the exception of the public broadcasters ABC and SBS that enjoy high public trust. Chapter four of the IMI report disproves the arguments put forward in most of the submissions to the inquiry—that the current system is working well and delivering sufficient media accountability.

The IMI reports concludes chapter four:

> There is considerable evidence that Australians have a low level of trust in the media as an institution and in journalists as a professional group. The instances and accusations of journalistic failures described above (and this is but a small sample) help explain this lack of trust. However, levels of trust in different media organisations and different types of media vary. The most trusted by far is the ABC, and it enjoys high levels of public trust. Newspapers, by contrast, attract comparatively low levels of trust. These trends have been consistent over many decades. The APC, which the newspaper industry established to oversee standards, has been in existence for the best part of four decades. (Finkelstein, 2012, p. 123)

This begs the question: when will the major media owners take further steps toward increased accountability to rebuild public trust? Mainstream media coverage of the IMI report indicated not anytime soon as it locked onto the suggestion of a statutory based media council, rather than the trust deficit so clearly described in the report (Stewart, 2012).

Media owners, editors and journalists are often quick to demand accountability from the powers that the public has mandated them to scrutinise. But when the searchlight is put upon them they often shy away. There are of course some valid reasons for this such as the balance between freedom of expression/press and media regulation. But this is not a blanket excuse for the media to run away from the general discussion of accountability. To understand the need for media accountability it is necessary to briefly look at accountability theory.

Accountability is one of the pillars of liberal democracy. Most writers seem to agree that accountability 'is a retrospective mechanism, in the sense that the actions of rulers are judged ex post by the effects they have (Chiebub, 1999, p. 225)'. Delmer Dunn points out that 'accountability at its most basic means answerability for one's actions or behavior (1999, p. 298).' Drawing on Stokes, Dwivedi and Pennock, John Dunn defines political accountability thus:

> …the relation of accountability holds fully where persons exercising these powers are (1) liable for their actions in exercising there powers, (2) predictably identifiable as agents in the exercise of these powers to those to whom they are liable (in the democratic case, ultimately to the demos distributively), (3) effectively sanctionable for these acts once performed, and (4) knowably so sanctionable for them in advance. (Dunn, 1999, p. 335)

The above deals with accountability in representative political systems. But it could be argued that this applies to any agency (independent, political or commercial) in society that is charged with power, including the news media. As I have argued earlier, a form of social contract exists between the publishers and their audience.

> The public delegates to the media the chore of scrutinizing power, and to tell relevant stories that are in the public interest. It trusts journalists, editors and media owners to be independent, to act with integrity and to be ethical. If the media does not deliver on its part of the contract, the public will renege on its part of the deal: backing media financially by buying the content, and defending media and journalism in times of need—such as when freedom of speech issues arise and when it is under the pump from the powers it is set to scrutinise. The contract between the media and their audience is intrinsic to the business model of journalism, as has been shown time and again by researchers such

> as Meyer (2011), Zelizer (2009) and Kovach and Rosenstiel (2007). At their peril, media owners too often dismiss this very basic premise, as we have seen during the past 10 years and most recently with the phone-hacking affairs shaking News International to its core in the UK and prompting the Independent Media Inquiry in Australia. (Lidberg, 2011, p. 123)

So, for the contract between the news media and the public to work there is a need for well-functioning, trustworthy and easy to use accountability mechanisms.

The quotes above from some of the media company submissions to the IMI and CR clearly indicate that accountability is not at the top of the agenda for these proprietors. One concrete way for Australian media to show it is serious about accountability is to appoint readers editors/news ombudsmen. Currently there are four in Australia: *Sydney Morning Herald*, SBS, ABC and *The West Australian* (the West Australian appointment is very recent). Perhaps more will be appointed as part of the new deal struck between the Australian Press Council and its members. The agreement was probably in part triggered by the far reaching main recommendation of the IMI report—an independent, government-funded, statutory-based, one-stop shop, media ethics council (Finkelstein, 2012, p. 8). A positive interpretation of this development could be that it is an indication that the newspaper industry is more willing to reflect on and recognise the importance of accountability. A more realistic analysis, based on their submissions to the inquiry, is that the IMI recommendation brought the publishers kicking and screaming to reform.

The APC deal is significant, perhaps more than has thus far been recognised:

- A doubling of the APC's funding (the members are still the sole source of funding)
- A notice of four years if you intend to leave the council (members keep paying their fees for the first three years of the notice)
- And most importantly: a contractual obligation to pay the fees AND publish council adjudications in a prominent place (APC, 2012)

It was of course a compromise. The council backed away from its suggestion that some of the funding should come from the government. The council can now, potentially, operate more effectively and self-regulation continues. All previous council members, except for *The West Australian,* signed up for the

revamped APC. Seven West Media has now appointed a readers editor and its own media council comprising a retired judge and two former attorney generals from opposite sides of politics (A. West, 2012). It will be interesting to follow this new home-grown accountability system.

How effective the new APC will become remains to be seen. What is already clear is that we still have a fragmented and confusing media content regulation and accountability system in Australia.

At the time of writing, the UK Leveson Inquiry into Culture, Practice and Ethics of the Press is yet to report. Based on the draft criteria for a regulatory solution (Leveson, 2012) published by the inquiry, the final report may be more prescriptive and far reaching compared to the very open-ended recommendations put forward in the final Australian Convergence Review report.

Conclusion

This article has described the attitudes toward media accountability and regulation held by major media proprietors in Australia and other industry actors. Based on a content analysis of all the media industry submissions to the Independent Media Inquiry and the Convergence Review it can be concluded that, bar a few prominent exceptions, media companies in general and the old newspaper companies in particular, do not rate accountability for its practices as a priority. Only five of the submissions discussed the issues of public trust in journalism and accountability, of these five, only two were publishers.

This was the second article in a series of three that deal with the Australian media regulation system and industry accountability. The first paper described the one-stop shop Norwegian media ethics complaints committee (Lidberg, 2011). The third forthcoming paper will seek to capture public attitudes toward media accountability. How important does the Australian public think media accountability is? Do they know how the current system works? If they don't trust a publication—do they keep buying it, or do they switch to another one? This last question is vital as this was a theme put forward time and again in the submissions examined in this project: that regulation should be left to the market (the audience). If they lost trust they would not continue buying the product. Is this really true? It is crucial to capture these attitudes as the public is the base on which the media builds and legitimises its existence. Yet, too often the public is the last to be researched and surveyed in these matters.

Another area of further research is the functionality of news ombudsmen/readers editors. What outcomes do they deliver? Is the public content with their work?

The best thing to come out of the legal and ethical transgressions in the News International newspapers in the UK could be that a long overdue serious discussion about media accountability in the increasingly converged media environment is now underway around the globe. There is still a long way to go and a lot of research to be done. It will be interesting to see if any of the media proprietors, editors and publishers will come to share Eric Beecher's view that closed his submission to the Independent Media Inquiry.

> Unless the media puts its own house in order, transparently and aggressively, there is every chance over the next few years that governments and courts, under pressure from the disillusioned consumers of journalism, will do it for us. (Beecher, 2011, p. 8)

Notes

1. The IMI is also often referred to as the Finkelstein Inquiry and its report the Finkelstein Report after Ray Finkelstein, QC, who headed the inquiry.
2. Public trust is based on the findings in the IMI report, defined as the audience entrusting the news media to scrutinise societal power using ethically sound methods (Finkelstein, 2012, pp. 129-130).
3.The rationale for this sample is discussed in the methodology section.
4. Publishing advertisements as journalistic or editorial content.
5. Because the APC was partly inquired into in the IMI, its submission to the IMI was not included in the analysis. Its submission to the Convergence Review was however analysed and the council's future intentions and directions came through very clearly in that document.
6. The *West Australian* recently appointed a reader's editor when it left the Australian Press Council (this will be discussed further). The *West Australian's* reader's editor was at the time of writing not a member of the ONO.

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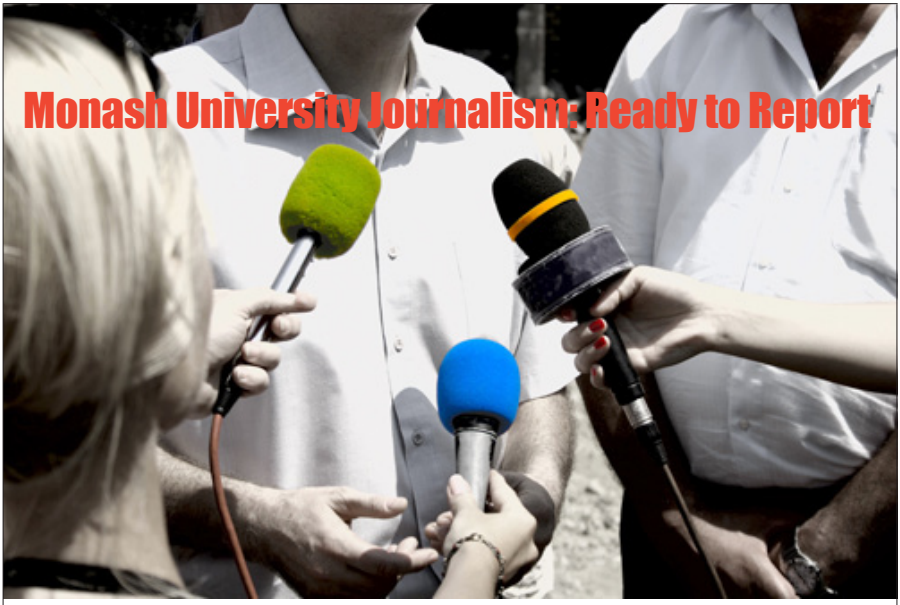

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