

SBS RESPONSE TO INQUIRY INTO THE 2022 FEDERAL ELECTION

24 OCTOBER 2022

Key Points

- The Special Broadcasting Service (SBS) welcomes the opportunity to contribute to the Joint Standing Committee on Electoral Matters and its Inquiry into the 2022 Federal Election.
- As Australia's multicultural, multilingual and Indigenous free-to-air broadcaster, SBS is uniquely placed to provide credible, trustworthy, inclusive, balanced and independent news and information services which meet the communication needs of Australia's multicultural community. SBS is the only nationally available Australian-based broadcaster providing news and current affairs services in a broad range of languages other than English and from a First Nations perspective.
- In so doing, SBS plays a vital role to help ensure the public's access to and participation in the election process, and the 2022 Federal Election saw SBS provide more coverage in more languages, than ever before.
- Our flagship news service, *SBS World News*, provided comprehensive, trusted and impartial coverage of all aspects of the election to audiences across platforms, delivering content that contributes to Australia's effective democracy.
- NITV provided coverage through the perspective of First Nations Australians, including coverage of candidates, policies and communities.
- SBS's news and current affairs content throughout the election period informed Australian audiences with information they can trust in analysing policies and making their choice about who to vote for in an election.
- SBS was the only network to have every election debate on its platform through our provision of live translation of the debates into key languages other than English (Arabic, Mandarin, Cantonese and Vietnamese), in conjunction with media outlets Nine, Seven Network and Sky News. In doing so, we were able to share those critical elements of the democratic process with communities who might not otherwise have been able to engage fully.
- A range of other activities to support the information and participation needs of multilingual Australians were also executed throughout the election, from community-focused Election Exchanges (nine locations across three states, delivering 400 interviews and more than 200 pieces of content in 20 languages) to in-language explainer videos and specialised information for newly arrived migrants.
- In addition to providing further information on these initiatives and services, this submission also addresses ongoing industry concerns regarding the political advertising 'blackout' period which applies only to broadcast services.



- SBS submits that a blackout applying to only some forms of media is no longer a relevant intervention, and the difficulty in regulating digital platforms in advertising suggests that the concept of a blackout itself is likely no longer a relevant public policy intervention across all media.
- SBS would also support a formal requirement that a live feed of any televised election debates be provided to SBS for the purposes of live translation into languages other than English.

About SBS

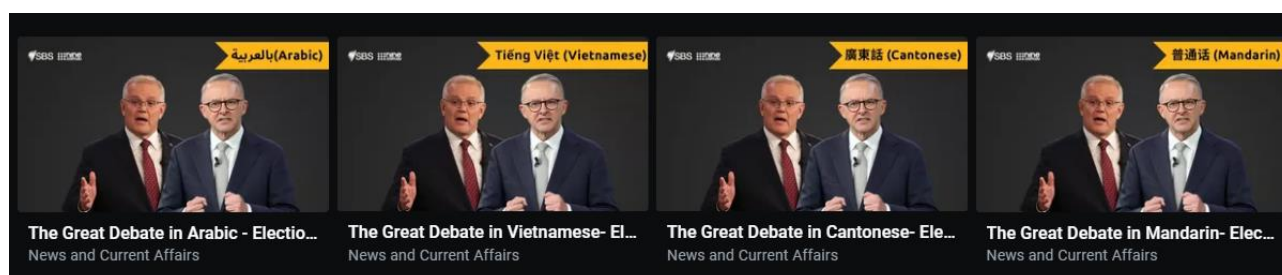
As Australia's most diverse broadcaster, SBS holds a unique place in the Australian media landscape, inspiring all Australians to explore, respect and celebrate our diverse world and in doing so, contributes to an inclusive and cohesive society. SBS is also the home of the National Indigenous Television (NITV) service.

Today, SBS is a modern, multiplatform media organisation with a free-to-air TV portfolio spanning six distinctive channels in SBS, NITV, SBS VICELAND, SBS Food, SBS World Movies and SBS WorldWatch; an extensive radio network providing over 60 communities with services in their own language; and an innovative digital offering, including SBS On Demand, available to audiences anytime and anywhere.

SBS activity associated with the 2022 Federal Election

Live translations of leaders' debates

As part of SBS's commitment to help ensure as many Australians as possible could access information in their preferred language to support informed civic participation, SBS launched live interpreting of three Leaders' Debates in up to four languages. In an Australian media first, live interpretations were provided in Arabic, Mandarin, Cantonese and Vietnamese, in conjunction with media outlets Nine, Seven Network and Sky News. The interpretations were available via SBS On Demand and social media.



Source: SBS On Demand

Arabic and Mandarin-speaking audiences also heard the concession and victory speeches on election night (streamed live on the SBS Arabic and SBS Chinese Facebook pages) and interpretations were also provided of key portfolio debates, such as the Treasury debate and the Defence debate.

The high public value nature of these translations justifies the formalisation of SBS's role as a means of delivering debates to multilingual audiences. This could be effected through the regulatory framework associated with the possible establishment of a Debates Commission – a



requirement could be included that a feed of any televised debate be provided free of charge to SBS for the purposes of live translation.

Whilst the process for collaborating with commercial and subscription broadcasters for access to debate feeds in the 2022 election was cordial and productive, it included an element of uncertainty and some arrangements were not finalised until fairly close to the debate taking place. SBS would therefore support formalisation of arrangements, which would also assist in planning and resourcing of such translation services.

SBS World News coverage

SBS World News provided comprehensive coverage across the campaign and on election night, addressing a range of issues and perspectives and interviewing both key leaders on the eve of the election.

Cross-platform features focused on first-time voters, explaining the electoral process, Section 44 of the Constitution (relating to restrictions on who can be a candidate for Federal parliament), the minor parties, and outlining the various policies relating to childcare, housing affordability, remote housing, cost of living, English language funding, foreign aid and climate change.

SBS World News also focused on dispelling misinformation with explainers. This included a WeChat feature which looked at disinformation targeting the Chinese-Australian community.

SBS World News services must adhere to rigorous protections in the SBS Code of Practice, which ensures that SBS maintains the highest standards of editorial independence and integrity. The Code details SBS's obligations regarding matters such as accuracy for factual content, impartiality and balance in our news and current affairs, scheduling of content, advertising and complaints handling.

In an environment of increasing availability of misinformation and disinformation (spreading false, misleading or deceptive information), the availability of highly trusted and reliable coverage of election matters is more important than ever before, and SBS World News plays a key role in this regard.

The Australian Competition and Consumer Commission (ACCC) *Digital Platforms Inquiry – Final Report* included examples of international research, finding ‘...numerous recent examples of bad actors intentionally manipulating information through digital platforms with the aim of affecting democratic processes.’¹

NITV

NITV is the only national television channel by, for and about First Nations Australians, and in the context of the election delivered a unique platform for the exploration of political, social and cultural issues from an Indigenous perspective.

NITV provided extensive coverage with a First Nations lens across its daily news, in addition to current affairs programs *Living Black* and *The Point* running special election programs involving First Nations parliamentarians and policy discussions focused on Indigenous community concerns.

¹ ACCC *Digital Platforms Inquiry – Final Report*, <https://www.accc.gov.au/system/files/Digital%20platforms%20inquiry%20-%20final%20report.pdf>, page 353.



SBS Radio

SBS Radio provides programming in 63 languages, distributed on-air, online and on the SBS Radio app.

SBS Radio's coverage of the campaign focused on increasing awareness and accessibility of candidates, policies, and the voting process amongst Australia's culturally and linguistically diverse communities.

A series of Election Exchange activations were delivered in key seats, with SBS bilingual journalists on the ground speaking with and interviewing local candidates, community leaders and members of the public. These events took place in the Sydney suburbs of Bankstown and Eastwood and the NSW regional centre of Wagga Wagga; Dandenong, Broadmeadows and Ballarat in Victoria; and Hobart and Launceston in Tasmania.

In total, the eight Election Exchange events delivered 400 interviews and more than 200 pieces of content in 20 languages across the SBS Radio network.

The SBS Election Exchanges enabled an independent and informed approach to policies and politicians at a local level, encouraging culturally and linguistically diverse communities to be a part of the national conversation, providing the opportunity to drive the agenda and discuss the issues that matter to them.

Explainer videos

SBS also created explainer videos² in 40 languages in partnership with the Australian Electoral Commission on topics like how to enrol, how to vote and how government works in Australia.

SBS News Just In Top Stories Census Explorer Australia World COVID-19 Politics Immigration Indigenous Environment Life

Election Explainers

How politically diverse is your community?
POLITICS

Climate change is an issue for many voters. Here's how the Coalition and Labor compare
POLITICS

These Australian communities have picked the winner at every federal election
POLITICS

Just tested positive for COVID-19 and need to vote? Here's how
POLITICS

Every seat Scott Morrison and Anthony Albanese have visited during the election campaign
POLITICS

Ying for your vote: how TikTok is changing the election campaign
POLITICS

Settlement Guide

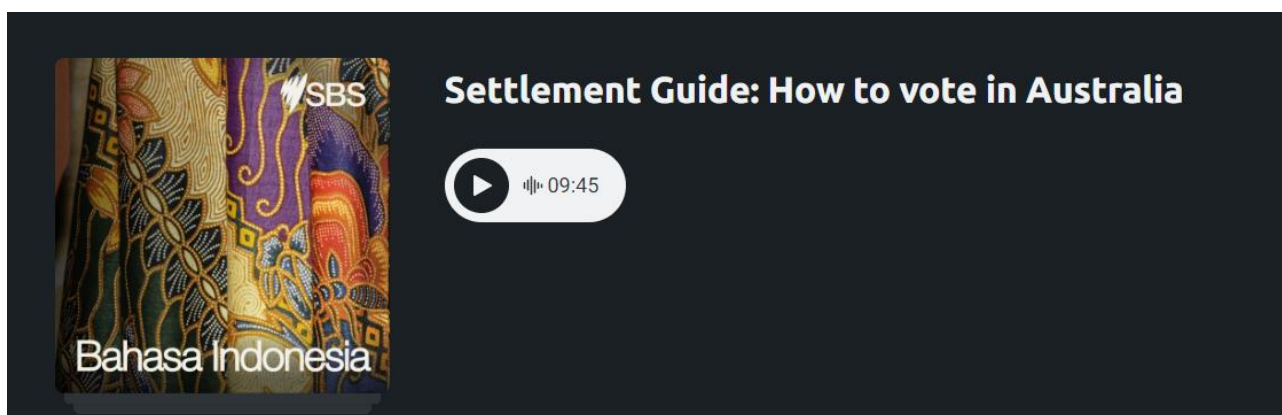
The SBS Settlement Guide is a multi-platform service producing content with trusted experts and practical information to help newly arrived migrants settle into life in Australia. Established in 2016, SBS journalists now produce the Settlement Guide weekly in up to 50 different languages across radio, podcast, and digital platforms.

² <https://www.sbs.com.au/news/collection/election-explainers/33h6htafa>



The SBS Settlement Guide is designed to enable new and existing migrants, their families, and their communities to actively participate in civic, economic, and cultural life in Australia. Topics range from how to get a job, to understanding bushfire risks and safety, to how politics in Australia works and how to join a sporting club.

For the 2022 election, 'how to vote' explainer videos were added to the Settlement Guide, maximising opportunities for newly arrived migrants to understand and participate in the election process.



Source: SBS Settlement Guide

Arrangements for the broadcast of political matter and political advertising

In addition to the various content initiatives outlined above, there are additional ways in which SBS's platforms provide a forum for the distribution of information relevant to elections.

SBS provides for the broadcast and dissemination of election information through its provision of free airtime to political parties, as well as accepting political advertising on its platforms.

SBS's provision of free airtime to political parties

Section 70A of the *Special Broadcasting Service Act 1991* (SBS Act), provides that SBS may determine to what extent and in what manner political or controversial matter will be broadcast on SBS.

In order to provide information to the community about federal elections and referendums, and in accordance with SBS's programming policy of seeking to represent a range of significant perspectives on issues of public interest, SBS has determined that it may provide free airtime on its television (SBS main channel; NITV) and radio services (and associated SBS digital media services) to:

- Qualifying political parties to broadcast their policy speeches and statements on major election issues during federal election periods; and
- The 'yes' and 'no' committees appointed to promote the cases for and against any proposed changes to the Commonwealth Constitution subject to a referendum for the presentation of those cases, where the Government has appointed such committees.

The free airtime allocated under this policy is broadcast as community information for which SBS does not receive any consideration in cash or in kind.

Free airtime is allocated to the Government and the official Opposition in the outgoing Parliament, as well as to other registered political parties that are fielding a significant number



of candidates in the election and have significant public support (eligibility requirements and an application process apply).³

For the 2022 Federal Election, SBS provided free airtime to the Liberal Party of Australia, the Australian Labor Party and the Australian Greens. Other minor parties were eligible but did not apply. The material submitted to SBS under the free airtime policy included policy speeches and policy statements and was broadcast on SBS television and SBS radio, and included material translated into a range of languages other than English.

Election advertising blackout

Under the *Broadcasting Services Act 1992* (BSA), no political advertising is allowed on television or radio during the three days prior to an election. This is commonly referred to as the blackout period.

SBS submits that the election advertising blackout rules are no longer effective or relevant, given the proliferation of other advertising platforms on which audiences can readily access election advertising during this period (the blackout does not apply to digital/online platforms).

The inconsistent application of the rules unfairly disadvantages broadcasters, including SBS, which forgo substantial revenues during the blackout period.

Foregone revenue is most likely lost to digital platforms, many of which are operated by international organisations that may or may not make content in Australia that contributes to our cultural life and supports our production industry.

The foregone revenue would otherwise be used by SBS to invest in providing distinctive multicultural and multilingual content for Australian audiences.

The principle behind this rule has been explained as being 'to ensure that electors are not subjected to huge advertising campaigns immediately before an election, and to prevent political parties from buying an election result or springing a surprise campaign at the end'⁴, and 'effectively provides a cooling off period in the lead up to polling day'.⁵

Given the proliferation of political advertising on both digital and print platforms during this period, the rule is no longer effective in the digital and social environment. It is more relevant to ensure that voters are provided with clear information on the source of the advertising to inform their views on the election.

SBS supports the repeal of the blackout rules that currently apply to television and radio services.

Repeal is supported ahead of the option of extending the blackout rules. There may be practical challenges in extending blackout rules to digital platforms given they are not currently licensed.

Repealing the broadcast blackout would mean that audiences would have access to regulated election advertising on broadcast platforms in the last three days before an election. This may assist audiences to receive clear and regulated information to offset the spread of misinformation and disinformation online during this period.

³ <https://www.sbs.com.au/aboutus/elections-and-referendums-sbs-s-free-airtime-policy>

⁴ Butler, Des & Rodrick, Sharon *Australian Media Law* (2nd ed, Law Book Co.) p. 161

⁵ Australian Electoral Commission 'Electoral Backgrounder: Electoral Advertising' (April 2010)



Conclusion

In any consideration of the 2022 Federal Election, it is important to recognise SBS's critical role in helping to meet the information and communication needs of diverse Australian communities throughout the election period (and ongoing).

SBS's creation, curation and distribution of trusted, impartial and comprehensive election information, available to audiences in the languages they use, is unique in the Australian media landscape and is an important part of Australia's democratic process and supports civic participation.

We would also welcome the Committee's consideration of the ongoing appropriateness and relevance of the election advertising 'blackout' period, which only applies to broadcasting services, in the context of the pervasiveness of political advertising on unregulated digital platforms.