



03.04.18

Digital Platforms
Inquiry

ACCC

platforminquiry
@acc.gov.au

RESPONSE TO DIGITAL PLATFORMS INQUIRY

NAVA welcomes the opportunity to contribute to this Inquiry.

About NAVA

The National Association for the Visual Arts is the peak body representing the professional interests of the Australian visual and media arts, craft and design sector, comprising of 20,000 practitioners, galleries and other art organisations. Since its establishment in 1983, NAVA has been influential in bringing about policy and legislative change to encourage the growth and development of the visual arts sector and to increase professionalism within the industry.

NAVA sets industry standards through the Code of Practice for the Professional Australian Visual Arts, Craft and Design Sector. We have long been committed to ensuring copyright entitlements for visual creators and, in 1995, were responsible for the establishment of Viscopy, Australia's visual arts copyright collecting agency, now part of Copyright Agency. NAVA has long been a vigorous advocate for the introduction of both moral rights and resale royalty rights legislation.

The absence of the artist

NAVA's key concern with the issues paper is the absence of the artist.

While the creators of text 'content' are addressed, the impacts on the industrial conditions and commercial markets for the creation of visual work are not considered by this Inquiry. As with journalism, these impacts are critical to the future of the Australian culture.

While the Inquiry's scope is focused on news and journalistic content, the increasing absence of arts as news or investigative journalism is exacerbated by the digital platforms highlighted via the Inquiry. Further, the work of visual artists and photographers are increasingly essential to the dissemination of news on digital platforms – while the unauthorised reuse of their work for these purposes is rife.

“Content”, quality and the public interest

The word “content” appears 216 times in the Inquiry’s discussion paper without ever being clearly defined, except to align it with “news and journalistic content” as the Inquiry’s focus. When we talk about journalistic and creative work as “content”, we devalue creative labour and intellectual property as nothing more than what fills the container offered by the digital platform. In doing so, we prioritise that platform, its market power and its commercial priorities, above news, creative work and the public interest. The fact that the word “content” has entered the everyday vocabulary is a clear indicator of the unchallenged civic and market influence of the digital platforms identified by the discussion paper – and a strong vindication of the need for this Inquiry.

There are many troubling consequences to devaluing journalistic and creative work as “content” for digital platforms:

- Increasingly sensationalist, misleading or false headlines are written to serve a click-bait and not a news function, further devaluing the “content” as material that pads out the headline;
- The digital platforms identified in the discussion paper do not consider themselves to be news publishers or service providers, and yet each explicitly provides services identified as news in their search functions, tags or other highlight elements;
- Digital platforms channelling news services as content for social media feeds distorts news values that respect the public interest, encouraging instead the proliferation of disposable and superficial coverage, and discouraging investigative rigour;
- The business priorities of the digital platform – aggregating users’ private information for commercial sale – are rendered invisible by the platform, leading to declining critical literacy in distinguishing the motivations behind offering journalism or creative work for free, as well as the expectation of “free” “content”.

Impacts on journalists and creative practitioners

Digital platforms are impacting significantly on artistic practice, audiences and markets. Not all of these impacts are constructive – nor are they well understood by practitioners or policy-makers. These include:

- The aggregation of contemporary and historic artworks by digital platforms as “free” “content” (most concerning here is Google’s work), devaluing the work of artists, as well as Australia’s cultural production and cultural heritage;
- The ease of sharing on digital platforms, making it impossible for journalists and creative practitioners to control the contexts in

which their work appears – and far too often, work is reproduced without permission nor attribution;

- An increased expectation that writers and artists will provide written or visual work for free – and that all online work will be made available to audiences for free.

This last two is particularly troubling for the professional contemporary arts sector, leading to:

- A sharp decline in arts critique, reviews and coverage by news publishers;
- The closures of key industry publications after decades of success, such as Real Time Arts and Broadsheet Journal;
- Trends that see major galleries presenting the work of artists that is likelier to achieve massive social media impact – known as the “Instagrammification” of contemporary art;
- An increased reliance by non-profit organisations on social media for audience development, effectively linking their intellectual property, their user data and ultimately their financial sustainability to the operation of digital platforms from whom they receive no compensation.

Next steps

To address these issues, the Australian Government should:

- Act in accordance with expert recommendations from this Inquiry considered in tandem with the 2017 Senate Inquiry into the Future of Public Interest Journalism; and
- Identify and regulate relevant digital platforms as news service providers, and resource and equip the Australian Press Council to enforce serious consequences for violations.

To ensure that the artist and the contemporary arts industry is not absent from this important work, the Australian Government should:

- Consult with key arts organisations to understand the complexities of digital platforms’ market power on artistic production, audience development, and the future of the Australian culture.

I would welcome the opportunity to provide further information as the Inquiry progresses.

Sincerely,



Esther Anatolitis

Executive Director