

Philanthropy & public interest journalism

Submission to the Productivity Commission

Friday 05 May 2023

[Public
Interest
Journalism
Initiative]

INTRODUCTION

The Public Interest Journalism Initiative (PIJI) welcomes the opportunity to make this submission to the Productivity Commission's Review of Philanthropy.

As an independent think tank, PIJI's interest lies in the health and long-term sustainability of public interest journalism and the public benefit it generates for all.

PIJI is platform-neutral and size-neutral with respect to news media. With no commercial interests, our activities focus on optimal fiscal and regulatory measures that will support a diverse news marketplace and enable news media to innovate, grow and serve in its role as a public good for the Australian community.

This submission focuses on key issues and findings from PIJI's research of direct relevance to this review:

[*Understanding the role that philanthropy can play in public interest journalism*](#) (2021), and

[*A review of proposals to provide news organisations with access to tax deductible gifts in Australia*](#) (2021) (both attached in full as appendices).

These projects included research interviews with forty industry stakeholders to provide insight into the motivations and mechanisms that impact philanthropic giving to public interest journalism in Australia.

We would be pleased to expand on this research and would welcome an opportunity to brief the Commission on our upcoming work that will further investigate the development of a not-for-profit news sector in Australia.

In preparing the following comments, PIJI has been guided by the key principles that inform all our work: to act in the public interest; to ensure plurality of news production and neutrality of support; and to be independent, practical and evidence-based in consideration of any option.

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2. GENERAL COMMENTS

Public interest journalism informs public discussion and decision making, ensures open justice and holds powers to account.

The need for news has become even more pressing in an era of rising misinformation and disinformation, as witnessed through the global pandemic and the US Capitol riots. However, the economic impact of COVID-19 and continuing digital disruption – including the third wave with generative AI - has broken the traditional business model for news media, resulting in a rapid reduction in its supply across Australia.

PIJI's research shows regional and rural Australia has been most adversely affected, with emerging gaps in news coverage of local councils, courts and communities. Our [Australian Newsroom Mapping Project](#) shows over 400 changes in the last three years, amounting to a net loss of 121 news outlets¹ - a sharp acceleration from previous ACCC data that showed 106 news closures over a 10-year period (2008-18). Regional Australia accounts for 67 per cent of outlet closures and 91 per cent of service decreases. The data also identifies 32 local government areas without any local print or digital news, all in rural or remote Australia².

International literature is clear: in those areas where local journalism is removed, there is a decrease in civic engagement and an increase in impost on the people, including for example, increase in rates and local charges. The link between quality journalism and accountable government is irrefutable.

Developing a not-for-profit (NFP) journalism sector in Australia has been repeatedly recommended and considered in parliamentary and regulatory inquiries over the past decade. There is evidence from overseas, particularly the United States, to suggest that a NFP news sector would increase media diversity and address market failure in commercially unviable practices such as investigative journalism or in geographical, cultural, and linguistic markets of undersupply.

To inform policy making and the broader development of a NFP news sector in Australia, PIJI has undertaken a program of research. Our first study summarised recommendations from various inquiries to incentivise philanthropic giving to the news industry (see Appendix A). The second report studied the motivations and mechanisms (and interim solutions) to current philanthropic giving to public interest journalism (see Appendix B). Our upcoming work includes an analysis of business entity data to quantify the number of NFP news businesses in Australia; an economic analysis of local news markets to notionally understand the viability of news supply across Australia's local communities; a trend analysis of philanthropic giving to Australian news media, and the development of legislative guidelines to recognise public interest journalism as a charitable and tax-deductible activity. Results from this combined research will be presented at an industry round table in late 2023.

All Australians deserve access to accurate, informed reporting of local, regional and national current affairs.

The development of a robust and thriving not-for-profit news sector in Australia will help ensure that all Australians have access to news, regardless of their geographical location or economic means.

¹ Dickson G. 2022. Australian News Data Report: December 2022. Melbourne: Public Interest Journalism Initiative. <<https://piji.com.au/research-and-inquiries/our-research/anmp/>>

² Ibid

3. CHARITIES AND TAXATION LAW & NEWS MEDIA SECTOR

Australia's current taxation and regulatory framework has been identified as a key barrier to growing philanthropic support for public interest journalism - in terms of the definitions of charity and charitable purpose and the associated ability to obtain tax deductible gift recipient (DGR) status.

The Charities Act 2013 (Cth) sets out the definition of charity and the eligibility of an organisation against at least one of the 12 listed charitable purposes, or two further subtypes of charity: Public Benevolent Institutions and Health Promotion Charities. News production as an activity does not easily fit into any existing category of charitable purpose. While there is scope to group public interest journalism within the charitable purpose of 'advancing education' (as is the case in the UK and the US), the extent to which that can be done has not been fully tested in Australia and potentially limits the full public utility of news.

There is also no defined DGR category within Division 30 of the Income Tax Assessment Act 1997 (Cth) that can appropriately accommodate registered charities whose principal purpose is to produce or support public interest journalism.

3.1 Current application

According to PIJI research, there are 94 registered charitable operating news outlets, of which 38 are eligible to receive tax deductible gifts³. As there is no charitable purpose or DGR category specific to public interest journalism, each organisation has a different approach to access deductible giving and there is no uniform reporting of their public benefits in terms of news outcomes.

Furthermore, there are 56 NFP news organisations, such as Croakey Health Media, which do not have access to tax-deductible giving.

Some news-based charities have obtained DGR endorsement under the Register of Cultural Organisations (ROCO), including the Walkley Foundation and the Melbourne Press Club. The Register requires that an organisation's principal purpose is the promotion of certain cultural activities including literature, visual arts, crafts and film. Organisations whose primary purpose is the production, rather than promotion, of public interest journalism may not be eligible.

CASE STUDY: Register of Cultural Organisations & Public Benevolent Institutions

Aeon MEDIA Group, which produces the arts, culture and history-focused Aeon Magazine, is endorsed on the Register of Cultural Organisations (ROCO).

The Community Broadcasting Association of Australia is ROCO endorsed as a NFP cultural organisation established for the promotion of community broadcasting including both radio and television. Of its 450 member stations, approximately 120 have DGR status secured for many, but not all, under ROCO endorsement. A further subset of these stations produce news.

The Bundaberg Talking Newspaper Association, a news reading service in Queensland for the vision-impaired is endorsed as a Public Benevolent Institution given its role as a service provider for people with disabilities.

³ PIJI 2023, Australian News Data Report: March 2023 issue

Other news media organisations have been able to structure all or part of their business to come within the scope of another entity’s charitable and DGR status; however, structuring arrangements of this type are complex, limited and require dedicated, ongoing governance and reporting resources, and therefore is unlikely to be an option for a news organisation with limited capacity or resources.

CASE STUDY: Partnerships with another endorsed institution

The digital commentary magazine Inside Story, produced by Swinburne University and Eureka Street, receives donations through a partnership with the Australian Jesuit Foundation.

The Guardian Civic Journalism Trust was established in 2018 as a partnership between the Guardian Australia and the Centre for Advancing Journalism at the University of Melbourne. The fund is managed by the University and is used to fund education activities for journalism students at the Guardian. The Guardian has said that the fund “is a welcome method for GNMA to increase investment in public interest journalism and train the next generation of journalists”, but that it also “requires a substantial amount of administration and limits GNMA’s ability to grow philanthropic revenue on its own”.

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Registered charities that are news businesses or news intermediaries and that do not fall within any of the existing categories for DGR status may instead seek a ‘specific listing’. Obtaining a specific listing is a time-consuming and complex process. It requires agreement from the Treasurer and other cabinet ministers (presumably including the Communications Minister, in the case of news organisations) and the passage of a legislative amendment to add the organisation’s name to the Income Tax Assessment Act 1997, therefore, limiting the viability of this pathway as a broad-based option for most news organisations.

CASE STUDY: Specific listings under Income Tax Assessment Act 1997

The Conversation, a research dissemination site, was specifically listed under the education category in 2016, following “extensive lobbying” of the Commonwealth Treasurer by a network of supporters. The Conversation produces news and journalism as its core activity, however, Chief Executive Officer Lisa Watts commented that their submission to the Treasury would likely have been unsuccessful had it “been positioned as a media company rather than a research outcome disseminator and knowledge platform”.

The Judith Neilson Institute for Journalism and Ideas and the Alliance for Journalists’ Freedom both achieved DGR status through specific listings in income tax law in 2020. The Australian Associated Press (AAP) was specifically listed to similar effect in 2021 but for a fixed period of 5 years.

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3.2 Summary of key related inquiry findings

The Australian news media sector has been subject to a multitude of inquiries over the past decade in efforts to respond to these and other challenges: Finkelstein (2012), Future of

⁴ Guardian Australia 2019. GNM Australia Pty Ltd response to the preliminary report of the ACCC Digital Platforms inquiry. p. 24.

⁵ Papandrea F. 2016. Australia: Impact of Charity and Tax Law/Regulation on Not-for-Profit News Organizations. In Picard R. G., Belair-Gagnon V. and Ranchordás S. (eds.) The impact of charity and tax law/regulation on not-for-profit news organizations. p2.

Public Interest Journalism (2017), Digital Platforms Inquiry (2018-19), Media Diversity Inquiry (2020), and Regional Newspapers (2021).

Recurring recommendations of these inquiries have focused on philanthropic giving incentives to news media and its public benefit for the community, including:

[Senate Select Committee, Future of Public Interest Journalism Inquiry, 2017](#)

- Final report found that the health of public interest journalism in Australia could be improved through charitable tax-deductible status.⁶
- Recommended that the Commonwealth “develop and implement a framework for extending DGR status to not-for-profit news media organisations in Australia”, and that access to DGR status be restricted to organisations that “adhere to appropriate standards of practice for public interest journalism”.⁷
- Despite disagreeing with large parts of the report and its conclusions, Coalition Committee members agreed with the DGR recommendation in their dissenting comments, while noting that “commercial media outlets are, and will likely remain, the mainstay of news gathering and investigation in Australia”.⁸

[Australian Competition and Consumer Commission \(ACCC\) Digital Platforms Inquiry, 2019](#)

- Final report recommended that a new category be created to enable not-for-profit organisations to be endorsed for deductible gift recipient status if they “create, promote or assist the production of public interest journalism”.
- Eligible news organisations to be registered with the Australian Charities and Not-for-profits Commission (ACNC) and the “disqualifying purposes” - including “promoting or opposing a political party or candidate for political office” - as appropriate regulatory conditions for not-for-profit news producers.⁹
- Recommended that organisations “should be required to impose a level of separation and independence between donors and editorial decision makers and abide by codes of conduct or ethics.”¹⁰

Across these and other inquiries, the benefits of simplifying access for not-for-profit news organisations to deductible gift recipient status can be summarised as:

- Increased innovation and risk tolerance in the sector;
- Specific benefit for small publishers, particularly in local and regional media;
- Foster greater connection between publishers and communities;
- Allow for targeted assistance to particular kinds of democratically-useful journalism, including ‘civic’ and ‘investigative’ journalism, and journalism that adheres to high editorial standards.

To date, there has been minimal response to these recommendations. In responses to the Future of Public Interest Journalism Inquiry, and later the Digital Platforms Inquiry, the Australian Government has maintained that news organisations could already access DGR

⁶ Australian Senate 2017. p. 117.

⁷ Australian Senate 2017. p. 135.

⁸ Australian Senate 2017. p. 141.

⁹ Australian Competition and Consumer Commission 2019. Digital Platforms Inquiry Final Report. p. 339.

¹⁰ Ibid.

status under the existing legislative framework and declined to make any changes to tax settings for journalism production¹¹.

However, as Philanthropy Australia subsequently observed, there is a difference between public interest journalism organisations having the ability to “seek” DGR status under the existing framework and actually obtaining it.¹²

¹¹ Australian Government 2019. Regulating in the digital age: Government Response and Implementation Roadmap for the Digital Platforms Inquiry. p. 10; Australia Government 2018. Australian Government response to the Senate Select Committee on Public Interest Journalism report: Future of Public Interest Journalism, p. 4.

¹² Philanthropy Australia 2019. ACCC’s Digital Platforms Inquiry final report consultation submission. p. 2.

4. PIJI'S KEY FINDINGS TO DATE

4.1 The role of philanthropy in public interest journalism

In PIJI's 2021 report *Understanding the role that philanthropy can play in public interest journalism (see Appendix B)*, there was a strong view amongst both philanthropic and news media participants that philanthropy has a role to play in supporting Australian news media to ensure quality public interest journalism continues. Although participants did not anticipate that philanthropy would be likely to account for a substantial share of the overall investment required, there was a clear sense that philanthropy can play a constructive and important role in highlighting areas of need and providing targeted funds to help the news media sector navigate market transition and innovation.

Many of the funders interviewed pointed to philanthropy's responsive and agile funding capacity in contrast to government limitations, because of its broader responsibilities and political orientation. They also highlighted philanthropy's ability to draw attention to the challenges being faced by the news media sector and to support industry to advocate for timely action by government. A number of other roles for philanthropy were also identified in support for public interest journalism, namely:

- Building awareness and advocacy to support civic dialogue that informs and mobilises community and government action to protect public interest journalism;
- Supporting media diversity and providing funding for public interest journalism in underserved areas or on under-represented issues, helping to amplify under-represented voices and promote media literacy;
- Supporting sector capacity building and innovation, both of which were seen as critical in the context of the current industry disruption; and
- Acting as an intermediary to convene diverse stakeholders to explore and test different ways of addressing the challenges facing the news media industry.

This study also found that the potential role for philanthropy in the public interest journalism space was essentially similar to the role philanthropy plays in other civic, social and environmental causes. Participants did not see philanthropy as substituting for industry or government action, but as complementing and augmenting it.

While it was acknowledged that current philanthropic funding for public interest journalism is relatively small, there was a sense, amongst both media and philanthropic stakeholders, that interest in the area is growing and that there is potential to increase the amount of funding being allocated to it. PIJI's upcoming philanthropic trend analysis will improve understanding of the propensity of Australian philanthropy to support news media (*see Section 6: Upcoming research*).

4.2 Key motivations for funding journalism

This study also found motivations for philanthropic support of journalism fall into three broad categories:

- i. Funding public interest journalism as a public good on the basis it is a critical part of a well-functioning democracy and civic society.
- ii. Using public interest journalism as a mechanism through which to build awareness, understanding and discussion of social and environmental issues that the funder cares about.

- iii. Funding local news production through a place-based lens or as a form of community infrastructure

CASE STUDY: Funding news a public good

This funding motivation typically directs support towards sector intermediaries undertaking research and/or advocacy.

Examples include the Ian Potter Foundation’s funding of the Centre for Advancing Journalism at the University of Melbourne to support a research study into the impact of journalism on Australian civic life or the Susan McKinnon Foundation’s funding of the Public Interest Journalism Initiative (PIJI) to support research, policy development and public discourse for a sustainable public interest journalism ecosystem.

CASE STUDY: News as a mechanism on core, single-issue reporting

This funding is motivated to support news categorised within an ongoing single-issue focus, likely to be ‘core news’ – for example, coverage of climate change or health – that has significant public benefit and presents to a general audience.

For example, the Balnaves Foundation funded an Indigenous Affairs desk position at The Guardian Australia for three years. The objective was to “see a shift in the systemic treatment and the public discussion about Indigenous Australians”. The funding allowed the Guardian to hire Indigenous Affairs Editor, Lorena Allam, an experienced journalist and Gamilarai-Yawalaraay woman, and undertake a series of investigative reports. The impact of that reporting was recognised through two Walkley Awards for excellence in journalism.

CASE STUDY: News through a place-based or community infrastructure lens

Philanthropists can be motivated to support news as an essential infrastructure or a community building exercise and therefore, fund local (often regional and rural) communities and organisations or provide equipment on that basis. Such funding usually looks to ensure that there are local trusted news sources able to provide community members with reliable information during emergencies, or news and information about local events and issues.

The Foundation for Rural & Regional Renewal (FRRR) is set up to facilitate tax deductible giving to reach community groups and non-profits in remote, rural, and regional communities for charitable projects such as neighbourhood houses and community resource centres that produce and distribute community newsletters.

4.3 Issues and obstacles facing philanthropic support for Australian news media

PIJI’s study identified a range of factors limiting the amount of current philanthropic support for public interest journalism:

- Current charity and taxation law that does not recognise journalism as a charitable purpose, limiting the ability of news organisations to register as charitable entities and obtain deductible gift recipient status (both cost and time prohibitive);
- A lack of understanding among the philanthropic sector of the needs of the news sector, ways in which to fund it, or a misalignment in funding programs that does not cater for public interest journalism or deems news as a risky investment;
- Among news businesses, a lack of capacity and expertise in how to build and manage relationships with philanthropic funders, how to align journalistic activity to existing charitable cause areas, and how to successfully apply for and acquit grants.

4.4 Community awareness and engagement

PIJI's research has shown a consistent view across media organisations and funders that more needs to be done to build awareness of the need and opportunities for funding public interest journalism.

The role played by organisations such as the Australian Cultural Fund (ACF) and the Documentary Australia Foundation (DAF), providing tax-deductible or crowdfunding platforms for documentary film making or arts and cultural projects, allows donors (large and small) to support projects, and serves as a potential model to support fundraising activity for public interest journalism.

The strength of the not-for-profit news sector in the United States, which has developed largely since the Global Financial Crisis and accelerated through COVID-19, also shows the potential power of NFP models for addressing the sustainability issues that the industry faces.

The Institute for Non-Profit News (INN) 2022 Index Report has found that non-profit news has driven sustained, multi-year revenue and audience growth, and increased the number of local news outlets over the past four years. While the core group of digital, independent publishers accounted for an estimated \$400 million in 2021, up from \$300 million in the previous year, growth in the actual number of NFP outlets rose from local news outlets, that typically served smaller populations. Roughly 4 in 10 non-profit news organisations were local: up from 2 in 10 in 2017.

Based on these trends, INN projects local outlets will make up the majority of not-for-profit news organisations in the US by 2024¹. Total individual giving grew 53 per cent over a four-year period, from over \$31 million (2018) to more than \$48 million (2021) - a median increase of \$37,000 per outlet. More people were donating to NFP news, rather than increases in gift size. More than half of news outlets (59 per cent) grew their number of major donors and over three-quarters, the number of smaller donors (with the median growing from about 250 small-dollar donors in 2018 to roughly 550 in 2021).

PIJI's upcoming analysis of philanthropic giving to news will provide further insight into recent Australian trends, albeit limited to a small sample of eligible news outlets.

Options to engage local community support for news as exist in the USA, are not available in Australia as our charity law does not recognise 'public interest journalism' as a charitable purpose, despite its well-documented public benefits.

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¹³ https://newsmatch.inn.org/wp-content/uploads/2023/04/NewsMatch-FAQ_2023.pdf

CASE STUDY: NewsMatch, USA

[NewsMatch](#) is the largest collaborative fundraising campaign to support nonprofit news in the US. The program is managed by the Institute for Nonprofit News (INN) and launched in 2017.

NewsMatch aims to ensure relevant and reliable news for every community across the U.S. by strengthening the financial sustainability of not-for-profit, non-partisan news organisations dedicated to public service. Its strategic objectives are to:

- Increase the number of people that support nonprofit journalism
- Grow local and regional investments from philanthropic institutions and major donors
- Develop and strengthen sustainable fundraising capabilities within newsrooms
- Increase awareness and public support for non-profit journalism

The program has three components:

- Annual matching-gift campaign: national foundations and trusts pool their resources to match individual, grassroots donations made to participant newsrooms.
- Tools, training, and resources to build long-term fundraising capabilities within news organisations.
- Build awareness to promote the value of independent, non-profit and help audiences discover and support the news in their community.

Key results

- Raised over \$271 million since establishment, comprising \$246 million from individual, local community and business donations and \$25 million from national funding partners
- Number of participating national funding partners grew from 1 to 18 in an individual campaign year
- Over 350,000 individuals have donated to support a newsroom for the first time
- Proceeds support operations and are unrestricted; supports emerging newsrooms and independent media outlets.
- Intangible value of matching funds to generate awareness, cultivate new relationships with local funders, and engage major donors

5. REFORM OPPORTUNITIES

Unlike the US and, more recently, the UK and Canada, there has been little legislative reform or rule interpretation to drive the growth of not-for-profit news organisations in Australia.

Our research suggests that there is real appetite to grow philanthropic funding for public interest journalism in Australia. News organisations that are registered charities and have DGR status have reported increased ability to engage and attract philanthropic funding interest over the last couple of years. Family foundations were seen as potentially more agile and open to such funding. Impact investment was also identified as an area of investigation in the emergence of new, for-purpose business models.

Though some news outlets have been successful in securing DGR status under the current legislative framework, the barriers to obtaining charity and tax-deductible status remain prohibitively high for many news organisations and may have limited application for actual news production.

With news-based charities accessing deductible giving status through alternate categories, there is also no reporting capture of the outcomes and public benefits of news.

A review of the listed charitable categories to recognise ‘public interest journalism’ and news media would be timely, given the broad recognition of the public benefits provided by news media¹⁴, and would provide a mechanism by which to record the public returns.

The introduction of a charity regulator has created robust, compliance settings for Australia’s registered charities. It follows that Australia adopt a streamlined, regulatory approach that enables tax deductible donations to those same registered charities, similar to other jurisdictions, such as Canada and the UK.

¹⁴ For example, in the ACCC’s interim authorisation of collective bargaining for Country Press Australia with Meta and Google: <https://www.accc.gov.au/media-release/country-press-australia-members-can-collectively-bargain-with-google-and-facebook>

6. UPCOMING RESEARCH

The following research builds on PIJI's previous studies into the role of philanthropy in supporting public interest journalism, how to enable it, and a sector scan of proposals for news organisations' access to tax-deductible gifts in Australia compared to international experience.

These projects are discrete but interrelated, and will be undertaken with the next six months, noting that some remain subject to funding:

i. Analysis of news outlets that are charitable entities

A subset of the upcoming analysis of business entity data to be added to the Australian News Index, that will provide insight into the diversity of media ownership in Australia.

ii. Economic analysis of local news markets

Conduct economic modelling of local government areas that have an apparent undersupply of news, to better understand if a commercial response is viable or whether non-profit models may be more suitable.

iii. Trend analysis of philanthropic funding for news media

Construct financial data on the levels and directions of philanthropic support for the news sector over the past five years. Data to be drawn from multiple sources including NFP news businesses e.g. AAP, Walkley Foundation, as well as available ATO and ACNC data.

iv. Legislative drafting

Develop legislative guidelines to recognise 'public interest journalism' as a charitable and tax-deductible activity, including eligibility criteria.

v. Non-profit News Roundtable

PIJI to host a Canberra roundtable in late 2023, bringing together policymakers, news media, philanthropy and civil society peaks for the release and discussion of the above research and policy design.

7. ABOUT PIJI

The Public Interest Journalism Initiative (PIJI) is a specialist think tank advancing a sustainable future for public interest journalism in Australia. Through our research and advocacy, we seek to stimulate public discussion and establish optimal market pre-conditions in investment and regulation that will sustain media diversity and plurality in the long term.

PIJI is a registered charity with the ACNC under the charitable category of ‘advancing education’ (ABN 69 630 740 153). It is a philanthropically funded, non-profit company limited by guarantee governed by a Board of independent directors, advised by an Expert Research Panel and Policy Working Group and regulated by the ACNC, ATO and ASIC.

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Appendix A: A review of proposals to provide news organisations with access to tax deductible gifts in Australia

<https://piji.com.au/wp-content/uploads/2021/03/dickson-g-2021.-proposals-to-provide-news-organisations-tax-deductible-gifts.pdf>

Appendix B: Understanding the role that philanthropy can play in supporting public interest journalism and how to enable it

<https://piji.com.au/wp-content/uploads/2021/09/hill-r-2021.-understanding-the-role-that-philanthropy-can-play-in-public-interest-journalism.pdf>