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FULL REPORT

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# Australia's News Media Bargaining Code: One Year On

ITS IMPACT AND MISSED  
OPPORTUNITIES

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AUSTRALIA



# r Executive Summary

The News Media and Digital Platform Mandatory Bargaining Code (the 'Code') was a world-first introduction of laws compelling digital platforms to pay publishers hosting their content.

The impact of digital platforms on the traditional news sector are well known, and previous efforts to rebalance this issue using different regulatory mechanisms had not yielded significant deals for publishers. The most successful attempt previous to the Australian Code was in France back in February 2020 which saw Google sign an agreement with Alliance de la presse d'information générale (APIG) - a group of 121 French news publishers, based on copyright infringement. That resulted in a total US \$76m deal to resource all 121 publishers.

In 2019, the groundbreaking ACCC Digital Platforms Inquiry released its final report. The inquiry established the consequences of the platforms' business models on consumers, content creators, advertisers, news businesses and journalists. The report makes a series of recommendations to address competition, consumer and privacy issues, outlining the need for the government to consider new levels of oversight of the platforms. The bargaining code was the first step in ACCC's focus on digital platforms.

While the Code goes some way to addressing the bargaining imbalance between major news media and the platforms, specifically Facebook and Google, the ambition laid out in the Digital Platforms Inquiry, and early drafts of the Code, appears to have been significantly weakened by the time it was finally adopted.

This report sets out seven recommendations for how the Code could have matched its original ambition, in summary:

1. Specified criteria for digital platform designation that results in automatic inclusion under the Code
2. Amendments to the registration of news businesses
3. Expanding the matters considered by the arbitration panel
4. Establishment of an audit authority to oversee data shared, and undertake verification and algorithmic audits
5. Stipulations for funds obtained via the Code by news media businesses to be spent on the provision of public interest journalism
6. Transparency requirements about Standard Offers, arbitration results, and reporting of use of funds
7. The inclusion of annual reporting requirements for both digital platforms and news media businesses,

Had these recommendations been incorporated into the Code it would have made Australia a world leader in securing a fair and competitive internet, and would have required the platforms to be transparent about their opaque markets.

**This was a missed opportunity. The final Code that emerged lacked significant bargaining power, rather it simply secured the transfer of money from one monopoly to a few select media organisations, with no guardrails on how those funds should be spent.**

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# 1.0 Context

The [Treasury Laws Amendment \(News Media and Digital Platforms Mandatory Bargaining Code\) Act 2021](#) (hereafter referred to as the ‘Code’) was a law [passed by the Australian Parliament](#) and came into effect in the early months of 2021.

This world-first approach was the culmination of over 4 years of deliberation and consultation, starting late 2017 when then-Treasurer Scott Morrison [directed](#) the Australian Competition and Consumer Commission (ACCC) to conduct the Digital Platforms Inquiry (DPI), which amongst other things, looked particularly into the impact of these platforms on the supply and implications of news and journalistic content. The [final report](#) was released by the ACCC in July 2019 with 23 recommendations, 5 months later the Government released their [response and implementation roadmap](#). Within this roadmap, the Government signalled for immediate action of DPI Recommendation 7 - that *‘designated digital platforms are to provide codes of conduct governing relationships between digital platforms and media businesses to the Australian Communications Media Authority (ACMA).*

However, this roadmap indicated that the ACCC would be leading the process to development and implement *voluntary codes* with relevant parties. The roadmap stipulated that a progress report on code negotiations would be due May 2020 and finalised November

2020. If agreements weren’t forthcoming, the Government stated that they may consider other measures, such as a mandatory Code.

With the impact on the news media sector from the pandemic taking its toll – News Corp Australia posted a \$60.7m loss in its 2020-2021 report showing a \$167m decline in advertising revenue<sup>1</sup> – there was renewed energy for regulation that could support legacy news media organisations with revenue recovery.

A [press release](#) on the 20th of April 2020 upended these original deadlines, stating that ‘a sharp decline in advertising revenue driven by coronavirus’ along with recent advice from the ACCC who considers it ‘unlikely that any voluntary agreement would be reached’ meant that a mandatory Code was to be developed. This was met with fierce opposition from the digital platforms, including narratives that sought to devalue the Australian news market to their business, in term signalling to the Government and the public that the outcome of public interest journalism was not of significance.

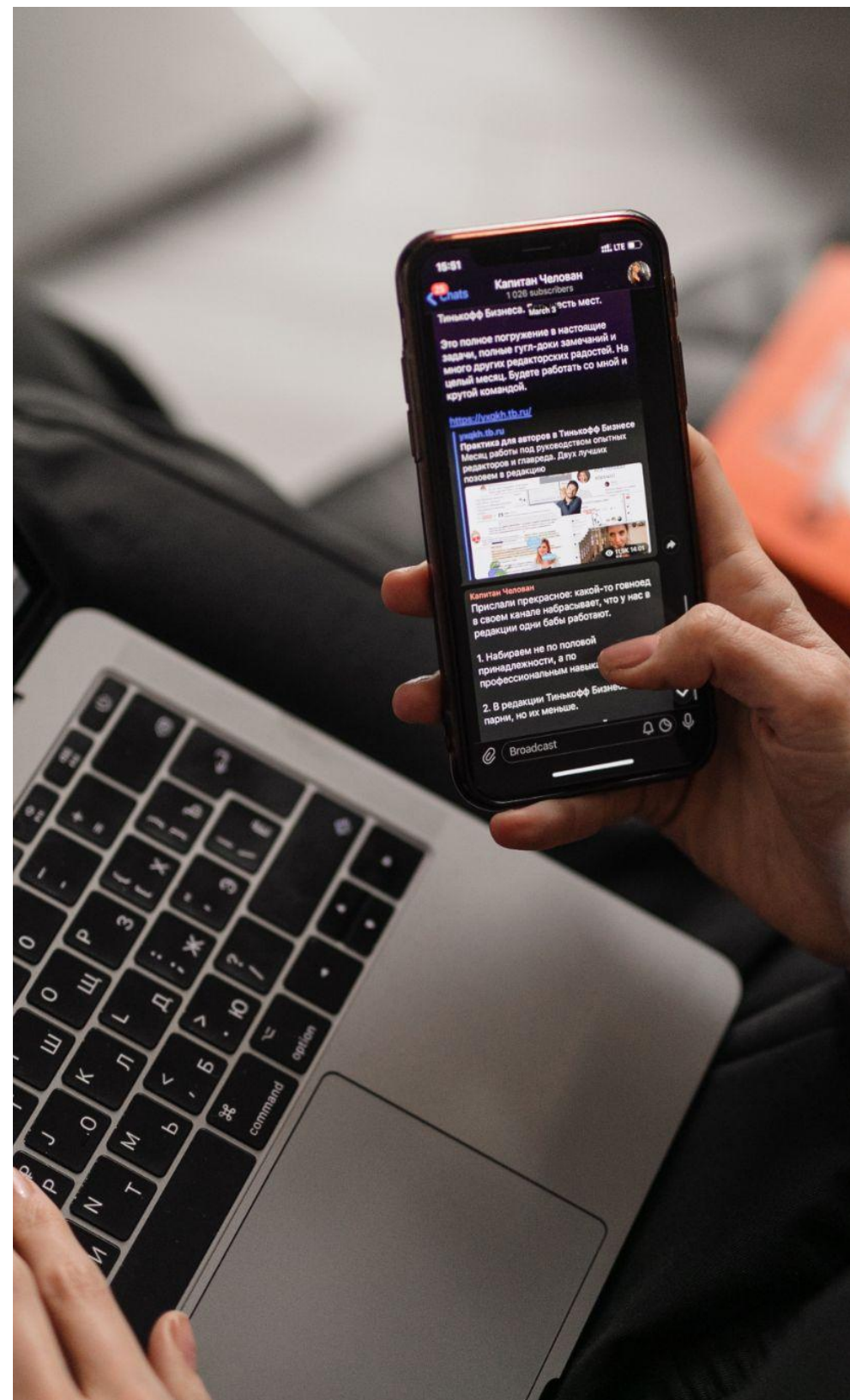
This was the start of the Code’s development, which started with a concepts paper and consultation period from May 2020 and lasted until the legislation was passed on the 25th of February 2021. This period saw significant revisions to the original ACCC

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<sup>1</sup> [News Corp to suspend print editions of 60 local newspapers as advertising revenue slumps](#)

recommendation within the DPI, concerted public affairs and lobbying efforts from the digital platforms and the ultimate injection of (by some estimates) over \$200m per year of otherwise absent funding into the journalism sector and what Rod Simms, the previous-Chair of the ACCC and person in charge during this process, [called](#) the 'one of the most successful public policy interventions I've ever seen'.

This paper will assess the impact of this Code on the sector in Australia and provide considered recommendations on improvements that may be implemented as other governments globally consider how to sustain their respective news media sectors.



## 2.0 Development of the Code

Below is a full timeline of the development of the Code including the various developments of the Code itself and government action to support it, as well as the ongoing responses from the platforms and affiliated actors over time. This allows for a comparison of how both Google and Facebook responded in different ways, sought out deals

with publishers in the process, and pushed narratives that the Code would break the internet, often through invasive popups on Google Search and YouTube - claims that the ACCC said were misinformation.



## 2.1 TIMELINE

DATE	GOVERNMENT / POLICY DEVELOPMENTS	FACEBOOK DEVELOPMENTS	GOOGLE DEVELOPMENTS
Dec 2017	4 Dec   Then Treasurer Scott Morrison directs the ACCC to conduct an inquiry into digital platforms		
Dec 2018	10 Dec   ACCC hands down its preliminary report. It contains 11 preliminary recommendations and eight areas for further analysis as the inquiry continues <a href="#">(link)</a>		
Mar 2019	15 Mar   ACCC holds Future of Journalism Roundtable <a href="#">(link)</a>		
Jul 2019	26 July   ACCC releases its final report with 23 recommendations including the technology platforms (i.e Facebook and Google) developing voluntary codes of conduct		
Dec 2019	12 Dec   Government Response to DPI + Implementation Roadmap	<i>“Addressing bargaining power imbalances between digital platforms and news media businesses by asking the ACCC to work with the relevant parties to develop and implement voluntary codes to address these concerns. The ACCC will provide a progress report to Government on the code negotiations in May 2020, with the code to be finalised no later than November 2020. If an agreement is not forthcoming, the Government will develop alternative options which may include the creation of a mandatory code”</i>	
Apr 2020	20th Apr   Government instructs <a href="#">ACCC to develop a mandatory code</a>	<i>“The Australian media sector was already under significant pressure; that has now been exacerbated by a sharp decline in advertising revenue driven by coronavirus. At the same time, while discussions between the parties have been taking place, progress on a voluntary code has been limited according to recent advice provided by the ACCC following a request by the Government for an update. The ACCC considers it is unlikely that any voluntary agreement would be reached with respect to the key issue of payment for content.”</i>	
May 2020	19th May   ACCC Begins Development of NMBC		Platforms begin devaluing news market publicly Google pushes ‘pay for links’ messaging

<p><b>Jun 2020</b></p>		<p><b>15 Jun</b>   Facebook’s director of public policy writes an opinion piece about the Code in the Sydney Morning Herald calling for acknowledgement of the value platforms offer news media</p>	<p><b>25 Jun</b>   Google strikes deals with Schwartz Media and Solstice Media</p>
<p><b>Jul 2020</b></p>	<p><b>31 Jul</b>   ACCC <a href="#">releases draft legislation</a> of the code and calls for public submissions</p>	<p><b>31 Jul</b>   Google strikes deal with The Guardian In Facebook’s submission, it said it was confident there would be no significant impact on the company’s revenue or “community metrics” if there were no news content available. (<a href="#">link</a>, <a href="#">link</a>)</p>	<p><b>31 Jul</b>   <i>In a statement, Google Australia managing director Mel Silva described the code as “the Government’s heavy-handed intervention”.</i></p> <p><i>“Our hope was that the code would be forward-thinking and the process would create incentives for both publishers and digital platforms to negotiate and innovate for a better future, [...] so we are deeply disappointed and concerned the draft code does not achieve this. Instead, the Government’s heavy-handed intervention threatens to impede Australia’s digital economy and impacts the services we can deliver to Australians.” (<a href="#">link</a>)</i></p>
<p><b>Aug 2020</b></p>		<p><b>31 Aug</b>   Facebook threatens to block news from being shared - prompts ACCC response</p>	<p><b>17 Aug</b>   Google uses invasive pop ups on Search and YouTube to make the claim that the Code would make Google products worse. The pop ups said:</p> <p>“We need to let you know about new government regulation that will hurt how Australians use Google Search and YouTube. A proposed law, the News Media Bargaining Code, would force us to provide you with a dramatically worse Google Search and YouTube, could lead to your data being handed over to big news businesses, and would put the free services you use at risk in Australia.” (<a href="#">link</a>)</p> <p>The ACCC responds saying that this is misinformation.</p>
<p><b>Dec 2020</b></p>	<p><b>7 Dec</b>   Government announces amendments to the draft Code and converts to a bill</p> <p><b>9 Dec</b>   NMBC Introduced in the House</p> <p>Referred to Senate Economics Legislation Committee</p>		<p><b>13 Jan</b>   Google experiments with blocking Australian news sites, hiding news content from</p>



			1% of users. ( <a href="#">link</a> + <a href="#">link</a> )  Google pushes 'break the internet' messaging, and publishes economic value report
<b>Jan 2021</b>	<b>19 Jan</b>   US Government asks Australia to scrap proposed laws to make Facebook, Google pay for news ( <a href="#">link</a> )	<b>25 Jan</b>   Facebook launches Facebook News in UK ( <a href="#">link</a> )	<b>22 Jan</b>   Google threatens to pull Search in Senate hearing ( <a href="#">link</a> )
			<b>29 Jan</b>   Google re-deploys pop ups across Search and Youtube with Google's AUNZ managing director Mel Silva claiming that the company is willing to pay for news without the Code ( <a href="#">link</a> )
<b>Feb 2021</b>			<b>5 Feb</b>   Google launches Showcase in Aus and announces deal with Australian Community Media and The Conversation
	<b>14 Feb</b>   Treasurer Frydenburg speaks with Zuckerberg ( <a href="#">link</a> )		<b>15 Feb</b>   Google strikes deal with Seven West Media (\$30m per year) and Private Media
	<b>16 Feb</b>   Amendments tabled		
	<b>17 Feb</b>   ACCC vows to pursue Google's ad dominance ( <a href="#">link</a> )	<b>17 Feb</b>   Facebook bans Australian news on its platform ( <a href="#">link</a> )	<b>17 Feb</b>   Google strikes deal with Nine (\$45m per year) and Junkee
		<b>18 Feb</b>   Tim Berners-Lee claims NMBC is threat to free and open internet ( <a href="#">link</a> )	
		<b>18 Feb</b>   Facebook ban revealed to impact the Bureau of Meteorology, state health departments, the Western Australian opposition leader (during election), charities and Facebook itself. As Australia prepares to begin the rollout of Covid-19 vaccines, state health departments, including SA Health and Queensland Health, were unable to post. A Facebook spokeswoman said the blocks on non-news organisations had been a mistake.  "The actions we're taking are focused on restricting publishers and people in Australia from sharing or viewing Australian and international news content," she said.	<b>18 Feb</b>   Google strikes deal with News Corp  <b>20 Feb</b>   Google strikes deal with The Guardian

		<p>“As the law does not provide clear guidance on the definition of news content, we have taken a broad definition in order to respect the law as drafted. However, we will reverse any pages that are inadvertently impacted.”  <a href="#">(link)</a></p>	
	<p><b>22 Feb</b>   Emergency Facebook and government talks resolve the ban on Australian news. Facebook wins concessions to the Code:</p> <ul style="list-style-type: none"> <li>• Made it highly unlikely platforms will be designated by the Code and officially subject to the law, provided they make a ‘significant contribution’ to Australian publishers;</li> <li>• Provides extensive advance notice if platforms are being considered for designation;</li> <li>• Allows platforms to ignore non-discrimination protections and negotiate differently with different news businesses; and</li> <li>• Delays arbitration by adding a mandatory mediation stage after unsuccessful negotiations.</li> </ul>		
		<p><b>23 Feb</b>   Facebook reverses Australia news ban after government makes media code amendments  <a href="#">(link)</a></p> <p>Announces deal with Seven West Media</p>	
		<p><b>24 Feb</b>   FB Statement claims removing news: “wasn’t a decision taken lightly. But when it came, we had to take action quickly because it was legally necessary to do so before the new law came into force, and so we erred on the side of over-enforcement. In doing so, some content was blocked inadvertently. Much of this was, thankfully, reversed quickly.” <a href="#">(link)</a></p>	
		<p><b>26 Feb</b>   Facebook strikes deal with Schwartz Media</p>	
	<p><b>25 Feb</b>   Bill passes both houses of parliament to <a href="#">become law</a></p>		
<b>Mar 2021</b>	<p><b>3 Mar</b>   Legislation commences</p>	<p><b>3 Mar</b>   Analysis reveals that after Facebook instituted the news ban, it spent time stamping out attempts by some users to evade its news ban. This work continued while the Australian Government and Facebook negotiated an</p>	

		<p>agreement, and then after Facebook announced it would lift the ban (<a href="#">link</a>)</p> <p><b>15 Mar</b>   Facebook strikes deal with News Corp</p> <p><b>16 Mar</b>   Facebook strikes deal with Nine</p>	
<b>May 2021</b>		<p><b>4 May</b>   Facebook strikes deal with Australian Community Media</p> <p><b>12 May</b>   Facebook strikes deal with Solstice Media</p> <p><b>26 May</b>   Facebook strikes deal with ABC</p>	<p><b>3 May</b>   Google strikes deal with Times New Group</p> <p><b>26 May</b>   Google strikes deal with ABC</p>
<b>July 2021</b>		<p><b>2 Jul</b>   Facebook strikes deal with The Guardian and Country Press Australia</p>	
<b>Oct 2021</b>			<p><b>12 Oct</b>   Google strikes deal with AAP, Independent Australia, SBS, Women's Agenda</p>
<b>Mar 2022</b>	<p>Over 30 small / medium news publishers run 24-hour news blackout campaign to demand Treasurer Frydenberg delegate Meta and Google under the Code. (<a href="#">link</a>)</p>		

## 2.2 PLATFORM RESPONSES

The policy development process, particularly in the aftermath of the Government's shift to a mandatory Code (20 April 2020), saw significant attempts from the digital platforms and News Businesses to influence provisions. Some of this was to be expected as part of healthy consultation (briefings/meetings with parliamentarians, submissions, providing evidence to relevant committees), however some of the actions taken by the digital platforms epit

These actions utilised a spectrum of tactics ranging from commissioned reports to mobilising influencers on YouTube, directly appealing to the Australian public to keep the status quo. The culmination of efforts was a week-long 'news ban', where Facebook shut down access to 'news content' for Australians.

Ironically, as Facebook and Google's public affairs narratives about how the Code would 'break a free and open internet', were juxtaposed with their own efforts that limited access to information in the middle of a pandemic, bushfire season and a State election.

What this shows is the range of tools the digital platforms have at their disposal to achieve their policy aims, and their willingness to utilise them when needed.

### 2.2.1 Google's Response

Google's public affairs efforts were originally much more vocal and diverse than that of Facebook, ramping up mid-2020 and peaking early 2021.

#### **Threats to remove and charge for services**

Thinly veiled statements (which included charging for, limiting the quality of and completely removing) concerning its services, one of Google's main public affairs levers. This came across in a wide range of channels, from Senate Committee hearings to YouTube ads.

In an open letter from Mel Silva, Managing Director of Google Australia released August 2020 claimed the Code would 'force google to provide you with a dramatically worse Google Search and YouTube', and puts its provisions of these 'free services' at risk.

In a rare public statement (particularly as the Bill was in parliamentary scrutiny and not with policy development anymore) ACCC Chair Rod Simms denounced Silva's open letter as spreading 'misinformation'.

*"Google will not be required to charge Australians for the use of its free services such as Google Search and YouTube, unless it chooses to do so. Google will not be required to share any additional user data with Australian news businesses unless it chooses to do so."*

### **Pop ups and advertising**

Google used a range of invasive design tactics to directly funnel Australian users of its products to various open letters, videos and statements that illustrated the platform's position. An ACCC report found that Google controls [94% of the search market](#) in Australia, with some estimates revealing Australians performing 250 000 – 300 000 searches a day.

- The August open letter was pinned to Google Search's homepage, and pop-up ads which said 'the way Aussies use Google is at risk' were regularly promoted to users
- A prior open letter which was released alongside a video of Silva was disseminated widely on YouTube as an advertisement.

### **Mobilisation of influencers**

On the same day as the August Open Letter, Google sent out a note to Australian content creators on YouTube warning that they could receive fewer views and earn less under the Code. Using the flawed rationale of the letter, that platforms would have to hand over user data to the news publishers and that the platforms could force the platforms to prioritise news media content, it pitched traditional media businesses and influencers exploiting classic tensions.

Whilst some concern over the data sharing provisions in the Bill are appropriate (especially at the time in the absence of a fit-for-purpose Privacy Act), the extrapolation that Google presented

to influencers co-opted existing fears to further Google's public affairs aims.

Ironically in all of this, the one entity that actually does have control over all these factors (how the algorithm prioritises content, how much people get monetised, what user data to collect and share) is Google.

This mobilised prominent Australian influencers (primarily YouTube channel 'Economics Explained') to launch a response including a change.org petition that received [over 80 000 signatures](#).

### **Google Ad Experiments**

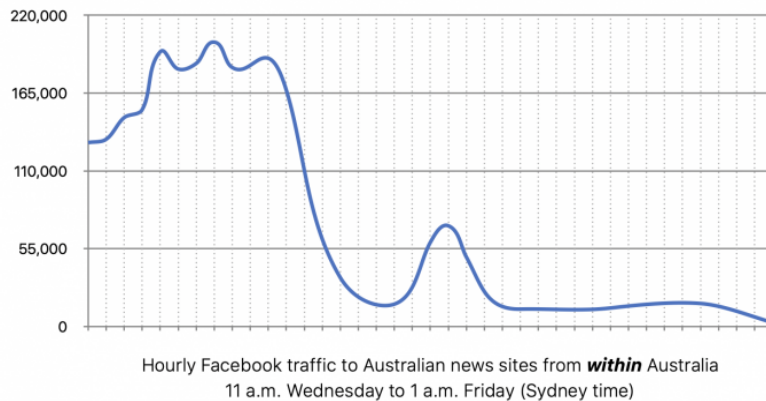
Over the course of January 2021, Google ran experiments which restricted news from Australian media publications appearing in search results to around 1% of Australian users. The stated reasons were to measure the impacts of news businesses and Google search on each other.

At the time, many critics spoke to how these 'experiments' demonstrated the potential influence Google had over the information landscape in Australia. Retrospectively in the shadow of the Facebook News Ban, these criticisms progress from conjecture to reality.

## 2.2.2 Facebook’s Response

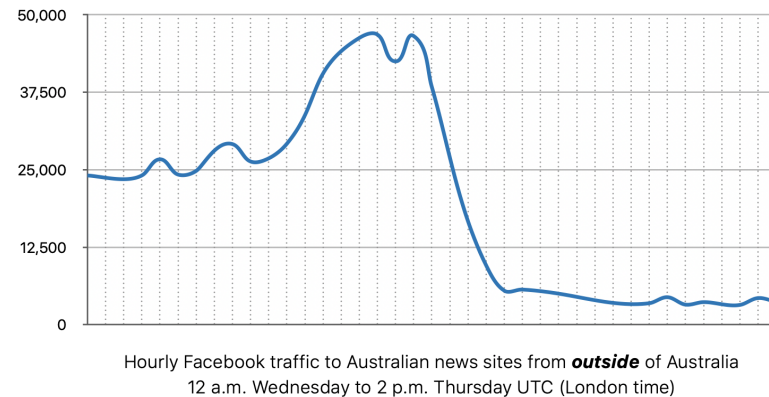
On the morning of the 18th of February 2021, Australians woke up to Facebook restricting publishers and people in Australia from sharing or viewing local and international news content.<sup>2</sup> The shutdown also resulted in international Facebook users unable to view and share Australian news content. It was announced the day before by the Managing Director of Facebook ANZ as a ‘response to Australia’s proposed new Media Bargaining law.’<sup>3</sup>

Without the referrals from Facebook, overall traffic to Australian news sites within the country [fell by 13% over this period](#).



The Facebook News Shutdown impacted more than just news in Australia. Facebook pages of key government agencies, public health bodies, domestic violence support services, unions, not-for-profits, political parties, and candidates.

In a move that sparked the widest condemnation from medical and public health officials, the Facebook News Ban shut down pages of key public health agencies just three days before the planned vaccine rollout.



[Source](#)

<sup>2</sup> [In Australia, Facebook’s ban on sharing news stories has sent publishers’ traffic tumbling](#), Nieman Lab Feb 18 2021

<sup>3</sup> [Changes to Sharing and Viewing News on Facebook in Australia](#), Facebook, Feb 17 2021

These pages included:

- [South Australia Health](#)
- [Queensland Health](#)
- [Western Sydney Health](#)
- [Sydney Local Health District](#) <sup>4</sup>

As official channels were shut prominent misinformation pages were left up and running, these included;<sup>5</sup>

- Australia's biggest and longest running anti-vax group
- Infowars (an American far-right, conspiracy and fake news website)
- Rebel News (A Canadian far-right political and social commentary media website)

Many experts stated that the ban had enabled the greater spread of vaccine misinformation at one of the most critical moments in Australia's pandemic response, with the Federal Health Minister stating the move was 'dangerous and irresponsible'.

Other instances of pages being shut down during key moments were;

- The Western Australian Opposition Leader during the campaign for the State Election
- The Bureau of Meteorology when bushfire and flooding season alerts

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<sup>4</sup> [Facebook slammed over news takedown ahead of vaccine rollout](#), RACGP, 19 Feb 2021

<sup>5</sup> [Fake News Is Still On Facebook In Australia](#), Gizmodo, Feb 18 2021

In a statement, Facebook said that these pages were 'inadvertently blocked'. During this period, some of the most significant deals (between News Businesses and the platforms) and concessions (between Government and the platforms) were made. Two days after Facebook restored news content, the Bill was passed in both Houses and became law.

## 3.0 Analysis

### 3.1 POLICY ASSESSMENT FRAMEWORK

The main objective of the Code was to address bargaining imbalances in commercial relationships between Australian news businesses and designated digital platforms. It is important to note that the Code was just one of many Recommendations proposed within the DPI, and that the Code was intended to specifically address bargaining power only. The ACCC [states](#) that *‘addressing this imbalance is necessary to support the sustainability of the Australian news media sector, which is essential to a well-functioning democracy.’*

Assessing the Code against its broader intention means that we can evaluate how it has fared by asking two key questions:

- a) Were the mechanisms within the Code adequate in addressing the bargaining imbalances between news and platforms?
- b) Did the passing of the Code contribute towards a more sustainable and plural journalism sector?

Additionally, it is potentially worthwhile exploring the impact of the Code on the broader calls for accountability in tech regulations, and explore if the the development, implementation and review of the Code is publicly accountable, transparent and works.

Finally, it is important to look at this Code within the context of the broader set of recommendations within the ACCC Digital Platforms Inquiry when it comes to sustainable journalism. There is no silver

bullet to creating a sustainable news ecosystem that actively supports public-interest journalism, and this Code was always intended to work in concert with a mosaic of policy levers. As such, the recommendations put forward in this analysis will be actively scoped to provide pragmatic amendments to the Code, rather than broader recommendations that could (and should) be done (i.e. a public interest news innovation fund etc.). These considerations are explored below.



### 3.1.1 News Media Bargaining Code - How does it work?

The Code employs two broad approaches to address bargaining power imbalances between news publishers and digital platforms.

- 1) Mechanisms to ensure fairer compensation for the value of the content news publishers produce and equal treatment

SECTION	DESCRIPTION
52X	Recognition of original covered news content - requires designated platforms to a proposal in consultation with news businesses to properly recognise original news content
52ZD-52ZI 52ZIA-52ZIC 52ZK-52ZQ 52ZR-52ZZD	Bargaining, Mediation, Arbitration and Final Offer - a stop-gapped negotiation framework that ensures that a decision is reached amongst designated platforms and news media businesses
52ZC	Non-differentiation - to ensure digital platforms do not treat registered and non-registered new businesses differently
Division 9	Agreements between platforms and news businesses - if agreements related to remuneration are made outside the Code, it disapples some of the Code's provisions particularly around bargaining and arbitration

- 2) Mechanisms to ensure better information sharing between participants

SECTION	DESCRIPTION
52R	Giving list and explanation of data provided to registered news businesses
52S	Notification of change to algorithm - if the change might bring about an alteration to the distribution of content with significant effect on referral traffic
52Y - 52Z	Facilitating open communication - designated platforms and news media businesses must both set up structures (i.e. points of contact) and protocols (i.e. acknowledgement of communications) that facilitate better communication

Broadly, the Code's framework contributes considerably to rectifying the bargaining power imbalance, however significant issues within the legislation exist. As such, specific amendments should be considered to ensure that the Code and its application is consistent, transparent and accountable.

## 3.2 ISSUES WITH SPECIFIC SECTIONS WITHIN THE CODE

### 3.2.1 Section 52E - Designation of Digital Platforms

Perhaps the most contentious part of the Act, is the clear discrepancy between deciding which digital platforms and news media businesses are subject to the Code. These differences are summarised below:

Digital Platforms	News Media Businesses
<p>Ministerial (the Treasurer) designation, but must 'take into account':</p> <ul style="list-style-type: none"> <li>i) if there is a significant bargaining power imbalance</li> <li>ii) whether the group has made a significant contribution to the Australian news industry (through agreements relating to news content including agreements to remunerate for their content)</li> </ul>	<p>A corporation may apply to the ACMA and must satisfy the:</p> <ul style="list-style-type: none"> <li>i) content test (produce core news content)</li> <li>ii) Australian audience test (serves predominantly an Australian audience)</li> <li>iii) professional standards test (satisfies professional editorial standards, includes provisions for ABC and SBS inclusion)</li> <li>iv) revenue test (greater than \$150k)</li> </ul>

*Requirements for designation under the NMBC*

As the Code only applies to parties which fulfil these criteria, these provisions hold significant influence. In particular, how digital platforms are designated has changed significantly over the course of the Code's policy development, as can be seen in the table below.

It is important to note that the addition of the consideration 'whether the platform has made significant contributions to the Australian news industry' was the result of last-minute negotiations between Facebook and the Government (during which Facebook had shut off news and other content in Australia) as the Bill was being debated in the Senate. A year after the Code was passed, no digital platform has yet to be designed.

The reliance on Ministerial designation, alongside the 11th-hour inclusion of the additional consideration makes assessment complex.

<b>First Iteration</b>	ACCC - DPI <sup>6</sup>	ACMA should be empowered to designate which digital platform should develop individual voluntary codes
<b>Second Iteration</b>	ACCC - Concepts paper	<p>The concepts paper indicated that the ACCC had always intended to have criteria around digital platform designation. It also indicated that Google and Facebook was always to be considered applicable.</p> <p><i>The digital platform services to be included in the bargaining code could be defined through a set of principles, or by setting out a list of currently available services, supplemented by a process to determine how to include additional services in the future. A combination of a list of current services supported by a set of principles to guide future additions is also an option.</i></p> <p><i>Would a principles-based, or list-based approach be preferable in determining which digital platform services are captured by the bargaining code?</i></p> <p>From <a href="#">ACCC NMBC Concepts Paper</a>, 20 May 2020</p> <p>This Concepts Paper kicked off consultation for the mandatory Code</p>
<b>Third Iteration</b>	ACCC - draft exposure Bill	Treasurer designation that must consider whether there is a significant bargaining power imbalance
<b>Fourth Iteration</b>	Parliament - First Reading	Ministerial designation that must consider whether there is a significant bargaining power imbalance

<sup>6</sup> This is prior to Government direction to develop a mandatory code

<b>Fifth Iteration</b>	Parliament - as passed	Ministerial designation that must consider bargaining imbalance and <u>(the addition of)</u> whether the platform has made significant contributions to news industry
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*How determining which digital platforms are to be included on the Code has changed over the course of the policy development period*

As the Code stands, it's generally accepted that the 'threat of designation' has been the mechanism that has compelled the platforms to negotiate deals with the majority of news media players. Whether we would have seen the same outcomes via the Code's mediation/arbitration process is unknown. Unfortunately, relying on this 'threat' ultimately contradicts the spirit of and diminishes the policy for three main reasons;

- i. It opens up the application of this law to corporate capture and political posturing
- ii. It doesn't ensure consistent and equitable application
- iii. It provides a mechanism for digital platforms to evade true accountability and rectification of unbalanced bargaining power

Even the wording betrays the deviance from the true intention of what this Code was supposed to do — help support public-interest journalism in Australia — rather than support the 'sustainability of the news industry'.

More worryingly, the reliance on Ministerial Designation actually entrenches platform power in reality by creating a situation where:

- Political equilibrium can and will be reached, which will stall development and negotiations between the news industry and digital platforms
- The main ‘opposition’ becomes the news sector, who are also the main recipients of funds. Any payments made could be considered a form of ‘hush money’
- Digital platforms maintain full autonomy over who and how to fund the sector
- The Government has lost its influencing ability
- There are no checks, balances or assurances that this money is being used to support journalism

#### How this could be improved

Removing Government involvement in designation is key to making the Code equitable and consistent. Harmonisation with how news media businesses are registered under the Code (i.e. independent regulatory assessment on the basis of certain ‘tests’) is the appropriate way forward.

Specified criteria needs to be developed for digital platform designation that results in automatic inclusion onto the Code to mitigate the impact of relying on Ministerial Discretion.

For example, the ACMA with guidance from the ACCC will determine which digital platforms are to be designated on the Code. In their determination, they must take into account:

- Bargaining power test - If there is a significant bargaining power imbalance

- Market Penetration test - if a certain % of the Australian population are active users of the digital platform
- Revenue test - if the digital platform makes \$X within the Australian market each year
- News Content test - If the platform is used to share, distribute or facilitate engagement with covered news content

### **3.2.2 Division 3 - Registration of News Businesses**

Regarding the registration of news media businesses, some submissions raised concerns that the tests (in particular the revenue test of \$150k) might be too onerous for small and independent publishers.

This is somewhat alleviated as smaller publishers are able to [apply](#) for collective bargaining class exemptions to the ACCC, allowing them to negotiate as a bloc without breaching competition laws. In the past year, the Minderoo Foundation has facilitated collective bargaining class exemptions for 18 smaller publishers.

#### How this could be improved

To further increase the accessibility of the Code to small and independent news organisations, some additional alternative eligibility tests could be considered.

- Including ‘tests’ which specifically single out public-interest journalism would ensure that the Code could support pluralism and support public-interest journalism more fully.

This could take the form of a ‘non-profit test’ - i.e. if your News Business is structured as a not-for-profit/charity, you would be eligible.

- In addition to the revenue test, an ‘employment test’ (i.e. does this news media business employ 3.0FTE journalists or editors) may provide an alternative qualification route that is less onerous for small and independent publishers.

The registration of news businesses needs to be amended to:

- Include a business has a revenue of over \$150k, or employs 3.0 FTE journalists and/or editors
- Include businesses that do not have a revenue of over \$150k or 3.0 FTE journalists and/or editors, where their main objectives is to provide public interest journalism (i.e. if they are structured as a not-for-profit)

### 3.2.3 Section 52ZZ - Matters to Consider in Arbitration

In the final rendition of the Code, a ‘two-way value exchange’ was included so that during the final offer arbitration process, the independent arbitration panel must consider both the costs of producing original news content, and the benefits accrued to the news media businesses of having their content accessed on the digital platforms. Ensuring that the panel also considers the impact on public interest journalism at-large would improve the arbitration process further.

This could include specific considerations regarding public interest news provision that the arbitration panel should take into account, such as;

- If the News Business is a non-profit, independent and/or regional publishers
- If the News Business comes from under-serviced areas or serves under-serviced communities
- If a significant proportion of the News Business is directed at producing public interest journalism, such as science, public health, local government and/or local community reporting

#### How this could be improved

To strengthen the two-way value exchange concept, the addition of considerations that specifically address strengthening public interest journalism should be included.

The arbitration panel must consider;

- Whether a particular remuneration amount would significantly improve capacity for the provision of public interest journalism.
- If proposals come from non-profit, independent and/or regional publishers
- If proposals come from publishers in under-serviced areas or serve under-serviced communities
- If proposal specifically involve public interest journalism, such as science, public health, local government and/or local community reporting

### 3.2.4 Section 52R & 52S Data & Algorithms

Section 52R (Giving list and explanation of data provided to registered news businesses,) states that where digital platform provides data about user interactions to one or more registered news business, it must inform the other registered news businesses about the types of data it has provided. It does not create an obligation to share any user data, nor is there a requirement to share the same data to the other news businesses, just an explanation of the ‘types’ of data.

Section 52S (Change to algorithm to bring about identified alteration to distribution of content with significant effect on referral traffic) outlines how designated digital platforms are required to provide information to registered news businesses about potential changes to algorithms that may affect their online traffic, and that these must be in advance unless there is an urgent public interest override.

These two provisions seek to unpack the information asymmetry that exists between the digital platforms and news businesses, which is in line with the aims of the Code, but fails to take into account the systems of data collection that have engendered this bargaining imbalance (along with other issues associated with the digital platforms) in the first place.

Firstly, questions should be asked as to why digital platforms are providing data on user interactions to select news business in the first place, and if this is in line with best practice data protection principles such as purpose limitation. Section 52R assumes that this sharing is already happening between digital platforms and news businesses, so it's only ‘fair’ that all other news businesses should know what’s going on.

Secondly, the reasons why digital platforms are altering recommender systems should be investigated. The Act states that if the dominant purpose that would ‘bring about an identified alteration to the distribution of content’ advance notice to news business should be given. If this change is large enough to alter referral traffic, it has the high possibility that it would meaningfully impact the information consumption dynamics of Australians - which may or may not be harmful to the public interest.

#### How these could be improved

In order to minimise the information asymmetry between digital platforms and news businesses, more transparency levers should be implemented, in particular throughout the mediation and arbitration process and independent commercial deals. Further research on how to meaningfully reduce this information asymmetry, whilst respecting best practice data privacy is needed.

Public interest would be better served if an independent public body was included or established that oversaw data provision and algorithmic information.

This would entail significantly expanding the data sharing provisions, firstly by expanding the current data sharing provisions to including sharing with an independent regulator, but ultimately must include ensuring that an independent regulator has algorithmic audit powers, so they can assess whether and how digital platform monopolies impact the supply and distribution of quality information and journalism.

### *What would this 'algorithmic audit' authority do?*

An audit authority under an independent regulator (most likely the ACCC) must have the tools and powers to verify the actions of the digital platforms, test the operation of algorithms and to undertake inspections themselves.

Its responsibilities with respect to this Code would be two fold:

- Verification. This authority must be empowered not just to oversee but to verify the obligations of the digital platforms under this Code are being met. Its expanded responsibilities would be holistic investigation of how algorithmic curation systems impact wider society
- Algorithmic Audits. An algorithmic audit is a review process by which the outputs of algorithmic systems (in this case the curation systems of the digital platforms which display news media content) can be assessed for unfavourable, unwanted and/or harmful results. In addition to assessing if design decisions within the digital platform algorithms are actively anti-competitive, this process can also be used to assess numerous online harms to wider society and democracy - such as disinformation.

### *How would an audit authority work?*

The authority must have the ability to carry out an algorithm inspection with the consent of the digital platform company; or if the company doesn't provide consent, and there are reasonable grounds to suspect they are failing to comply with requirements, to use compulsory audit powers. The resourcing to carry out these

investigations could sit within the ACCC, but they should also have the power to instruct independent experts to undertake an audit on their behalf. Examples for how this might be structured can be seen in multiple industries from aviation to drug therapeutics.

An audit authority needs to be established and empowered to oversee and data shared and undertake verification and algorithmic audits.

### **3.2.5 Sharing User Data**

User's data plays a significant part of the business model of both Digital Platforms and News Businesses. As the [ACCC's Ad Tech Inquiry](#) outlined:

Data about consumers, and their online activity, and in some cases offline activity, is critical to ad tech, as it enables one of the key features of the open display channel, the targeting of ads to specific consumers. Targeted advertising is seen to benefit both publishers and advertisers. Better targeting allows advertisers to potentially earn a higher return on their advertising investment, and publishers to earn more revenue from their ad inventory.

Despite the central role to both business models, research shows that over half of Australians are uncomfortable, or [very uncomfortable, with targeted advertising](#) based on what they have said and done online.

It is important to recognise that the Australian data protection framework is still under concurrent development and must be updated to answer some of these questions that are out of scope of the Code.

### 3.3 A MORE SUSTAINABLE AND PLURAL JOURNALISM SECTOR: DID THE CODE WORK?

While the Australian News Media Bargaining Code is not operating via the intended bargaining-arbitration, it has resulted in the short-term influx of new funds into the news media landscape - with some reports estimating [up to \\$200m in this first year](#).

This is a commendable feat for this world-first legislative attempt, opening up otherwise absent funding. The UK journalism trade publication Press Gazette’s investigation into the first year of Google News Showcase and its \$1 billion budget has seen a stark overrepresentation of deals cut with Australian publishers. Sources in the investigation suggest that regulatory pressure is seen as the main reason that Australian publishers are out-performing global peers.<sup>7</sup>

But the key question - *Have these new funds been used to support the production of public interest journalism?* Is much harder to answer. In an effort to escape designation and show their ‘significant contribution to the Australian news media ecosystem’, Google and Facebook/Meta have announced a range of initiatives (some of which not even related to the news but with suspiciously coincidental timing). These efforts are the proverbial ‘carrot’ to the ‘stick’ of their public affairs and lobbying efforts to slow down the development of the Code.

<sup>7</sup> [Google News Shh-owcase: Publishers break silence over secret deals behind \\$1bn scheme](#), Press Gazette, Sep 30 2021

These include:

- Commercial deals between digital platforms and news media businesses
- Independent sector initiatives from the digital platforms to grow the Australian news landscape
- The recommendations in this section aim at reducing the reliance on the digital platforms to support the Australian news ecosystem, rather create rigorous structures and processes that will achieve the same.

#### 3.3.1 Commercial Deals between Google, Facebook and Australian News Media

According to the ACCC, Google and Facebook negotiated 34 deals with Australian publishers, with the value of such deals. See appendix 2 for full tracker of deals

Some [reports](#) indicated that initial deals include:

	Google	Facebook
Number of deals	20	14
Notable exclusions	Mamamia	Agenda Media, AAP, Independent Australia, Out Publications, SBS, The Conversation, Time News Group, Verizon Media



	Google	Facebook
News Corp Deal	Not disclosed, reportedly \$70m	Not disclosed, reportedly \$70m
Nine Deal	\$30m	~\$23m
Seven West Deal	\$30m	Not disclosed
ABC Deal	Not disclosed	Not disclosed

### 3.3.2 Did these commercial deals go towards public interest journalism?

Only the ABC (the national public broadcaster) released a statement explaining where funds negotiated from Google and Facebook had been used. From the statement, it can be seen that much of the funding was used to support regional journalism. This includes;

- Funding an additional 50 journalists in regional Australia, building on a pre-Code increase of 83 regional positions
- Funding new mini-bureaus in:
  - Warragul
  - Batemans Bay
  - Carnarvon
  - Hervey Bay
  - Charleville
- Supporting new reporters, where there were none, in:

- Swan Hill
- Victor Harbour
- Northam
- Gladstone
- Supporting regional hubs in Horsham, Burnie, Dubbo, Wagga Wagga, Katherine, Esperance, Karratha, Longreach and Toowoomba
- Embedding journalist in more remote locations
- Supporting the regional youth initiative ABC Heywire

It is unclear how other News Businesses have deployed their funds.

### 3.3.3 Independent Initiatives by Facebook and Google

In addition to private commercial deals struck with News Businesses, Facebook and Google initiated a range of programmatic initiatives, ranging from resource distribution to capacity building, with the intention of supporting Australia's news ecosystem.

#### Facebook / Meta

Facebook has implemented three independent funding initiatives that may have had an impact on public-interest journalism:

1. **Local News Accelerator | Announced 18 September 2019**  
Facebook convened 11 publishers from September to December 2019 to support their efforts to boost direct reader revenue through subscriptions, memberships, and one-off payments.
2. **COVID-19 Australian News Relief Fund Program | Announced 15 July 2020**

Facebook committed a total of between \$170K - \$1.02m USD as part of a \$2m fund to support APAC newsrooms

3. **Facebook Australia News Fund | Announced 4 August 2021**

Facebook has committed \$15m over 3 years,- announced in October 2021, to invest in public interest journalism, support small, regional and digital newsroom innovation and economic sustainability. Managed by The Walkley Foundation, this fund was split into to categories:

- a. The Newsroom Sustainability Fund (\$2.5m)
- b. The Public Interest Journalism Fund (\$2.5m)

**Google**

Google, likewise has announced;

1. **A Journalism Emergency Relief Fund**, a global emergency Covid-related fund to support local newsrooms, which included 97 Australian participants.
2. **Google News Showcase | Australian inclusion announced 4 Feb 2021** Showcase is an online news platform launched late 2020. It provides a space for publishers to share their content with more control around presentation, branding and attribution. It is also a content licensing program in which most of the commercial deals reached in Australia were organised through.
3. **A Digital News Academy**, a collaboration between Google, News Corp and the University of Melbourne Business School. A News Corp executive [stated](#) that: “Google’s

financial support for the school was not part of the news media bargaining code deal.”

Even though it’s important to scrutinise the way in which these initiatives are set up (noting the exclusion of key University of Melbourne departments in Google’s Digital News Academy) and how they are implemented (e.g. diversity within grant recipients), they ultimately are positive attempts at supporting the news ecosystem in Australia.

Unfortunately, attempts to transition the news ecosystem sustainability into the digital age cannot rely on the platforms’ good will. As such, efforts should be made to embed provisions that engender a process-driven approach to news ecosystem sustainability via transparency and accountability. This Code exists so that news media businesses have a pathway to receive fair compensation for the content that they provide, however there is no specific obligation in the current legislation that these funds must be used for public interest journalism.

Amendments could include:

- A levy imposed on all arbitrations under this Code that contributes to a specific small, medium, independent and/or regional journalism fund managed by a regulatory body that’s distributed annually.
- Restrictions on how additional revenue raised via either external commercial deals or Code arbitration can be deployed

Specific provisions should be incorporated into the Code that create obligations on money received via this Code to be spent on the active support of public interest journalism. This should be annually reported to an independent regulatory body and with accurate records kept for future audits.

Limitations on where additional revenue raised might be directed could include:

- Salaries and costs towards maintaining existing public interest journalism positions and reporting
- Salaries and costs towards the creation of new public interest journalism positions and reporting
- Costs involved in promoting, marketing and disseminating public interest journalism
- Costs involved in running professional development, educational, and other initiatives related to driving public interest journalism
- Investment into regional, minority and local journalism

Place restrictions stipulating that a significant proportion of additional funds obtained via the Code by news media businesses must be spent on the provision public interest journalism

Currently, there are no requirements for transparency around Transparency Requirements for Standard Offers or Arbitration Results, nor transparency from News Businesses about how funding is spent. Specifically, annual reporting requirements for both digital platforms and news media businesses should be incorporated into the Code, to ensure that this Code is actively contributing towards ensuring a sustainable media sector and increased media diversity in Australia.

The Code be amended to include requirements for:

- Transparency and public disclosure about Standard Offers and Arbitration results
- Transparency about the 'intended' spends, or reporting around actual spends, towards public-interest journalism from News Businesses

The Code be amended to include annual reporting requirements for both digital platforms and news media businesses, to ensure that this Code is actively contributing towards ensuring a sustainable media sector and increased media diversity in Australia.

## 4.0 Recommendations

### Recommendation 1

**Specified criteria needs to be developed for digital platform designation that results in automatic inclusion onto the Code to mitigate the impact of replying on Ministerial Discretion.**

For example, the ACMA with guidance from the ACCC will determine which digital platforms are to be designated and must take into account:

- Bargaining power test - If there is a significant bargaining power imbalance
- Market Penetration test - if a certain % of the Australian population are active users of the digital platform
- Revenue test - if the digital platform makes significant \$X within the Australian market each year
- News Content test - If the platform is used to share, distribute or facilitate engagement with covered news content

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### Recommendation 2

**The registration of news businesses needs to be amended to:**

- Include businesses that have a revenue of over \$150k, or employs 3.0 FTE journalists and/or editors

- Include businesses that do not have a revenue of over \$150k or 3.0 FTE journalists and/or editors, where their main objectives is to provide public interest journalism (i.e. if they are structured as a not-for-profit)

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### Recommendation 3

**The matters considered by the arbitration panel in weighting their decisions should be expanded to include:**

- Whether a particular remuneration amount would significantly improve capacity for the provision of public interest journalism.
- If proposals come from non-profit, independent and/or regional publishers
- If proposals come from publishers in under-serviced areas or serve under-serviced communities
- If proposal specifically involve public interest journalism, such as science, public health, local government and/or local community reporting

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### Recommendation 4

**An audit authority needs to be established and empowered to oversee data shared, and undertake verification and algorithmic audits**

### **Recommendation 5**

**Place restrictions stipulating that a significant proportion of additional funds obtained via the Code by news media businesses must be spent on the provision of public interest journalism**

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### **Recommendation 6**

**The Code be amended to include transparency requirements around:**

- Transparency and public disclosure about Standard Offers and Arbitration results
  - Transparency about the 'intended' spends, or reporting around actual spends, towards public-interest journalism from News Businesses
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### **Recommendation 7**

**The Code be amended to include annual reporting requirements for both digital platforms and news media businesses, to ensure that this Code is actively contributing towards ensuring a sustainable media sector and increased media diversity in Australia.**

# 5.0 Appendix

## 5.1 Deal Tracker

This tracker only includes publicly announced deals, or those mentioned in Treasury's review of the Code - there may be deals beyond these that are not known. Where there is data missing, this is because those details have not been disclosed publicly.

### 5.1.1 Google Deals

Publisher	Payments	Deal Length	Deal details	Titles/Pubs Covered	Commitments	Source	Announced
<b>Agenda Media</b>	Not disclosed	Not disclosed	Not disclosed	Women's Agenda	Not disclosed	<a href="#">Link</a>	12/10/21
<b>Australian Associated Press</b>	Not disclosed	Not disclosed	Not disclosed	Not disclosed	Not disclosed	<a href="#">Link</a>	12/10/21
<b>Australian Broadcasting Corporation</b>	Not disclosed	Not disclosed	50 journos hired as part of deal terms as of Dec 2021	Not disclosed	ABC: "huge" boost to regional and rural media services	<a href="#">Link</a>	26/5/2021
<b>Australian Community Media</b>	Not disclosed – <a href="#">suggested to be 5% of total revenue</a>	3 years+	Google News Showcase inclusion	16+	ACM: enables audience growth for "original news"	<a href="#">Link</a>	5/2/2021
<b>Country Press Australia</b>	Not disclosed ( <a href="#">31 to 62k per year per paper estimated</a> )	<a href="#">10 years</a>	Google News showcase and digital transformation of newsrooms	81 (160 newspapers)	Aid digital transformation of newsrooms in regional areas	<a href="#">Link</a>	3/9/2021
<b>Independent Australia</b>	Not disclosed	Not disclosed	Not disclosed	Not disclosed	Not disclosed	<a href="#">Link</a>	12/10/21
<b>Industry Super</b>	Not disclosed	Not disclosed	Not disclosed	Not disclosed	Not disclosed	<a href="#">Link</a>	Not disclosed
<b>Junkee Media</b>	Not disclosed	Not disclosed	Not disclosed	Junkee	JM: deal will "create more public interest journalism that speaks to and for young Australians"	<a href="#">Link</a>	17/2/2021

<b>Mamamia</b>	<b>NO KNOWN DEAL</b>						
<b>News Corp</b>	Not disclosed <a href="#">reportedly \$70 million</a>	Not disclosed	Google News Showcase inclusion	26 outlets	NC: deal will have a "positive impact on journalism around the globe"	<a href="#">Link</a>	18/2/2021
<b>Nine Entertainment Co</b>	\$45m p.a.	5 years	Google News Showcase inclusion	"Covers content from Nine's major newspapers, television, radio and digital assets"	Expanded marketing initiatives across Nine's platforms such as SMH, AFR, The Age	<a href="#">Link</a> <a href="#">Link</a>	17/2/2021
<b>Out Publications</b>	Not disclosed	Not disclosed	Not disclosed	Star Observer; Sydney Star Observer	Not disclosed	<a href="#">Link</a>	Not disclosed
<b>Private Media</b>	Not disclosed	Not disclosed	Google News Showcase inclusion	Crikey, Smart Company	SM: deal protects media diversity	<a href="#">Link</a>	15/2/2021
<b>Special Broadcasting Service (SBS)</b>	Not disclosed	Not disclosed	Not disclosed	Not disclosed	Not disclosed	<a href="#">Link</a>	12/10/21
<b>Schwartz Media</b>	Not disclosed	3 years+	Google News Showcase inclusion	The Saturday Paper	SM: deal helps connect their journalism to "broader audiences", so that SM can address misinformation"	<a href="#">Link</a>	25/6/2020
<b>Scott Trust</b>	Not disclosed	Not disclosed	Google News Showcase inclusion	The Guardian Australia	GA: deal will "provide more independent journalism and reach more readers"	<a href="#">Link</a>	20/2/2021
<b>Seven West Media</b>	AUD\$30 million p.a.	5 years	Google News Showcase inclusion	21	SWM: deal recognises the "value, credibility and trust" of SWM's news brands and "ensured the company's digital future"	<a href="#">Link</a> <a href="#">Link</a>	15/2/2021
<b>Solstice Media</b>	Not disclosed	3 years+	Google News Showcase inclusion	InDaily, InQueensland	Not disclosed	<a href="#">Link</a>	25/6/2020
<b>The Conversation Media Group Limited</b>	Not disclosed	3 years+	Google News Showcase inclusion	The Conversation	TC: working with Google to "rebuild trust in experts and share quality information with	<a href="#">Link</a>	5/2/2021

					those who need it most"		
<b>Times News Group</b>	Not disclosed	Not disclosed	Google News Showcase inclusion	7 publications	Not disclosed	<a href="#">Link</a>	3/5/2021
<b>Verizon Media</b>	Not disclosed	Not disclosed	Not disclosed	Not disclosed	Not disclosed	<a href="#">Link</a>	Not disclosed

### 5.1.2 Facebook Deals

Publisher	Payments	Deal Length	Deal details	Titles/Pubs Covered	Commitments	Sources	Announced
<b>Agenda Media</b>	NO KNOWN DEAL						
<b>Australian Associated Press</b>	NO KNOWN DEAL						
<b>Australian Broadcasting Corporation</b>	Not disclosed	Not disclosed	Inclusion in Facebook News	Not disclosed	ABC: "huge" boost to regional and rural media services	<a href="#">Link</a>	26/5/2021
<b>Australian Community Media</b>	Not disclosed	Not disclosed	Inclusion in Facebook News	Over 40	ACM: partnership will ensure regional and rural news will reach new audiences	<a href="#">Link</a>	4/5/2021
<b>Country Press Australia</b>	Not disclosed	10 years	Letters of Intent signed (to be formalised) - <a href="#">fund to digitally transform newsrooms</a>	81 (160 newspapers)	No disclosed	<a href="#">Link</a>	2/7/21
<b>Independent Australia</b>	NO KNOWN DEAL						
<b>Industry Super</b>	Not disclosed	Not disclosed	Not disclosed	Not disclosed	Not disclosed	<a href="#">Link</a>	Not disclosed
<b>Junkee Media</b>	Not disclosed	3 years	Not disclosed	Junkee	Not disclosed	<a href="#">Link</a>	7/7/21
<b>Mamamia</b>	Not disclosed	Not disclosed	Not disclosed	Not disclosed	Not disclosed	<a href="#">Link</a>	Not disclosed
<b>News Corp</b>	Not disclosed- <a href="#">reportedly \$70 million</a>	3 years	Undisclosed deal announced. Inclusion in Facebook News	Not disclosed	NC: deal will help "fashion a future for journalism"	<a href="#">Link</a> <a href="#">Link</a>	15/3/2021



<b>Nine Entertainment Co</b>	~\$23m	3 years	Inclusion in Facebook News	Not disclosed	Not disclosed	<a href="#">Link</a> <a href="#">Link</a>	16/3/2021
<b>Out Publications</b>	<b>NO KNOWN DEAL</b>						
<b>Private Media</b>	Not disclosed	Not disclosed	Inclusion in Facebook News	Crikey	Not disclosed	<a href="#">Link</a>	26/2/2021
<b>Special Broadcasting Service (SBS)</b>	<b>NO KNOWN DEAL</b>						
<b>Schwartz Media</b>	Not disclosed	Not disclosed	Inclusion in Facebook News	Not disclosed	SM: deal helps "independent journalism", and a "plurality of voices in the Australian press"	<a href="#">Link</a>	26/2/2021
<b>Scott Trust</b>	Not disclosed	Not disclosed	Facebook News Tab	The Guardian Australia	Not disclosed	<a href="#">Link</a>	2/7/21
<b>Seven West Media</b>	Not disclosed	3 years	Inclusion in Facebook News	Not disclosed	SWM: deal recognises the "quality and credibility" of SWM's news brands and will enable SWM to "build [their] digital platform"	<a href="#">Link</a> <a href="#">Link</a>	23/2/2021
<b>Solstice Media</b>	Not disclosed	Not disclosed	Three-year deal finalised	InDaily	SM: deal helps South Australian journalism reach international audiences	<a href="#">Link</a>	12/5/2021
<b>The Conversation Media Group Limited</b>	<b>NO KNOWN DEAL</b>						
<b>Times News Group</b>	<b>NO KNOWN DEAL</b>						
<b>Verizon Media</b>	<b>NO KNOWN DEAL</b>						

## 5.2 ACMA-Registered News Businesses with No Known Deals

22 news businesses, most containing numerous publications who have seemingly been left without a deal with either digital platform

News business corporation	Registered news business	Registered News Source/s and content link	News source type	Date Registered
AUSBIZ TV Pty Ltd	ausbiz	<a href="#">ausbiz</a>	A program of audio or video content designed to be distributed over the internet	5/08/2021
Australian Property Media Publications Pty Ltd	Australian Property Journal	<a href="#">Australian Property Journal</a>	A website or part of a website	11/05/2021
Broadsheet Media Pty Ltd	Broadsheet	<a href="#">Broadsheet Melbourne</a> , <a href="#">Broadsheet Sydney</a> , <a href="#">Broadsheet Brisbane</a> , <a href="#">Broadsheet Adelaide</a> , <a href="#">Broadsheet Perth</a>	Five websites or parts of websites	9/09/2021
Coastal Broadcasters Pty Ltd	Coastal Broadcasters Pty Ltd Trading as 4KZ, KOOL-FM & 4AM	Northern News (embedded audio content) <a href="#">link</a> , <a href="#">link</a> , <a href="#">link</a> Rural Report (embedded audio content) <a href="#">link</a> , <a href="#">link</a>	A radio program or channel	24/11/2021
Croakey Health Media Limited	Croakey Health Media.	<a href="#">Croakey Health Media</a>	A website or part of a website	20/07/2021
Dailymail.com Australia Pty Ltd	Daily Mail Australia	<a href="#">Daily Mail Australia</a>	A website or part of a website	26/05/2021
Media and Media Group Pty Ltd	Chinese News and Media Group.	<a href="#">www.1688.com.au</a>	A website or part of a website	19/07/2021
News Cop Pty Ltd	News Cop Pty Ltd	<a href="#">News Cop</a>	A website or part of a website	24/11/2021
Polaris Media Pty Ltd	The Australian Jewish News	<a href="#">The Australian Jewish News</a>	A newspaper masthead	21/05/2021

Portasea Pty Ltd	Mareeba Express	<a href="#">The Express Newspaper</a>	A newspaper masthead	31/05/2021
Print & Digital Publishing Pty Ltd	Time Out	<a href="https://timeout.com/sydney/news">https://timeout.com/sydney/news</a> <a href="http://www.timeout.com/melbourne/news">http://www.timeout.com/melbourne/news</a>	Two websites or parts of websites	9/08/2021 Additional news source 18/8/2021
Pro Bono Australia Pty Ltd	Pro Bono Australia	<a href="#">Pro Bono News</a>	A website or part of a website	16/08/2021
Region Group Pty Ltd	Region Media Group	<a href="#">About Regional RiotACT</a>	Two websites or parts of websites	21/05/2021
Southern Cross Austereo Pty Ltd	Southern Cross Austereo Pty Ltd	93 separate news sources have been registered. A list containing the news source name and content link of each can be found <a href="#">here</a> .  85 separate news sources have been registered. A list containing the news source name and content link of each, along with a program schedule can be found <a href="#">here</a> .	59 news sources have been classified as a website or part of a website.  32 news sources have been classified as a program of audio or video content designed to be distributed over the internet.  2 news sources have been classified as television program or channel.  85 news sources have been classified as a radio program or channel.	4/11/2021  Additional news sources 2/2/2022
Starts at 60 Pty Ltd	Starts at 60 Pty Ltd	<a href="#">Starts at 60</a>	A website or part of a website	4/06/2021
Stormvale Pty Ltd as Trustee for Creighton Family Trust	Fassifern Guardian & Tribune	<a href="#">Fassifern Guardian and Tribune</a>	A newspaper masthead	11/05/2021
The Paton Family Trust	Hills to Hawkesbury Community Newspapers	<a href="#">Hills to Hawkesbury Community News</a> <a href="#">Galston, Glenorie &amp; Hills Rural News</a> <a href="#">Dooral Roundup</a>	A newspaper masthead Two websites or parts of websites	25/06/2021 Two additional news sources added 18/3/2022
The Royal Institution of Australia	The Royal Institution of Australia	<a href="#">COSMOS Magazine</a>	A magazine	26/05/2021

The Trustee for The Urban List Trust	Urban List	<a href="#">Urban List</a>	A website or part of a website	11/08/2021
Two Birds Media Pty Ltd	Primer	<a href="#">Primer</a>	A website or part of a website	12/08/2021
West Coast Radio Pty Ltd	West Coast Radio Pty Ltd	<a href="#">97.3 Coast FM</a> <a href="#">91.7 The Wave</a>	Two websites or parts of websites	11/05/2021
Western Sydney Publishing Group	Western Sydney Publishing Group	<a href="#">Western Weekender</a> <a href="#">Parra News</a>	Two newspaper mastheads	20/10/2021



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think tank working for better  
policy to address the digital  
threats to Australian democracy.

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