

Response to the exposure draft of the **News Media Bargaining** (Administration) Act 2026

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Scope of submission

We appreciate the opportunity to provide feedback on the News Bargaining Incentive ('the NBI'), the News Media Bargaining (Administration) Bill 2026, related bills and explanatory material ('the draft legislation'). We offer insights based on our research expertise in the Australian news industry and its audiences. This is a joint submission from the News & Media Research Centre, University of Canberra and the News, Technology, and Society Network, RMIT University.

The News and Media Research Centre ([N&MRC](#)) advances public understanding of the changing news media landscape and advocates for a media system that builds trust, inclusivity and diversity, to defend and repair the country's social fabric.

The News, Technology, and Society Network ([NTS](#)) brings together interdisciplinary researchers and industry professionals focused on the social impacts of news, journalism and emerging technologies to drive positive social change.

In addition to our command of the relevant academic literature and industry research, the authors of this submission have, over the past five years, interviewed hundreds of community members living in regional Australia, and surveyed thousands of Australian news consumers about their media habits, perceptions, and expectations. We have also engaged deeply with industry and government stakeholders through more than a dozen roundtables, workshops, and related events. We bring the breadth and depth of this experience—and the voices of the journalists, editors, and audience members with whom we have engaged—to inform this submission and its recommendations.

We strongly support the intention of the NBI and the draft legislation to address the power imbalance between digital platforms and Australian news businesses to ensure the sustainability and diversity of the news sector. To improve its effectiveness, we have identified potential unintended consequences of the draft legislation and recommend measures to futureproof it. We emphasise that this mechanism must benefit the news industry as a whole—not only a select few—while capturing the full impact of digital platform disruption to Australian journalism by making new and emerging players with growing market dominance, such as generative AI businesses, liable under the draft legislation.

The proposed NBI has structural shortcomings that could entrench Australia's already-concentrated media market by incentivising platforms to make funding deals with the largest news media companies, providing no impetus for them to negotiate with smaller publishers. This could intensify news deserts and stymie the provision of public interest journalism to regional, local and other under-served communities. The recommendations in this submission propose measures to counterbalance market concentration to support a sustainable and diverse news ecosystem aligned with

government policy objectives, helping to create better-informed and more socially cohesive communities.

Recommendations

1. Include AI platforms in the NBI

We strongly recommend that the scope of the digital platforms specified under the draft legislation be broadened to better reflect the rapidly changing digital environment in relation to news and journalism. To maintain flexibility over time and futureproof the NBI, we recommend the term ‘digital news intermediaries’ be adopted to include social, search and generative AI platforms. Generative AI is increasingly deeply embedded in Australians’ online activities.

2. Incentivise deals with smaller publishers by creating a steeper offset tier

A steeper discount should be applied if platforms sign commercial agreements with outlets that provide news to under-served segments of the population, such as those in regional or suburban areas or those focused on culturally and linguistically diverse or First Nations communities. Rather than the proposed offset for small or medium businesses (170%), we propose the offset be increased to at least 300%.

3. Increase the minimum number of qualifying agreements

Strengthen incentives for commercial agreements with a diversity of news outlets to prevent deal concentration among a handful of large publishers by increasing the offset eligibility from four to 10 Australian news businesses. A further offset uplift should apply where a platform enters into commercial agreements with more than 10 eligible news businesses.

4. Require platforms to commit to multi-year commercial deals

Digital platforms should be required to commit to fixed, multi-year commercial deals with news businesses to ensure revenue continuity for Australian journalism in line with the draft legislation’s objectives to support the sustainability of the news media. This would prevent platforms from alternating between striking commercial agreements and paying the charge, thus also providing certainty for funding administered by government under the NBI revenue distribution model.

5. Adopt transparency and evaluation measures to ensure funds flow to public interest journalism

The real-world impact of the NBI on public interest journalism and the Australian news sector must be evaluated through transparent and regular reporting from beneficiary

news businesses detailing how funds are spent under both commercial agreements and the charge revenue distribution scheme. These records should inform ongoing, independent research into the effectiveness of the legislation.

Response to the draft legislation

1. Include AI platforms in the NBI

The proposed scope of the draft legislation does not sufficiently align with its stated objective of supporting the sustainability of the Australian news media sector in response to the structural shift of advertising revenue to digital platforms. Instead, it narrowly focuses on specific categories of social media and search services, while arbitrarily excluding other digital platforms which play an increasingly significant role in how Australians access, consume and discuss news.

Digital platforms are evolving rapidly and are not limited to social media and search engines. The draft legislation should be broadened to align with its objective to support the sustainability of the sector in the face of, as stated in the explanatory material, *‘the shift to online advertising [which] has been detrimental to revenue models of these news businesses and has affected the viability of high-quality public interest journalism’*.

Rather than specifying the types of social media and search services to be included or excluded from the NBI, a different criterion—advertising and attention as revenue sources—should instead be considered. We recommend adopting the following criteria to reflect the platform functions:

- Audience reach
- The platform’s role in directing or displacing attention to news
- The extent to which the platform generates revenue through advertising or attention-based business models.

The draft legislation provides no clear justification for excluding platforms, such as:

- Information-sharing and discussion platforms (e.g. Reddit)
- Professional networking platforms (e.g. LinkedIn)
- Large-scale messaging services where news is widely shared and discussed
- Generative AI platforms that summarise, synthesise and surface news content.

If platforms such as Reddit and LinkedIn meet the relevant reach and revenue significance thresholds, they should be included within the scope of the NBI. Excluding them solely due to platform classification is inconsistent with real-world news consumption patterns.

In addition, in determining ‘significance’ the draft legislation uses the threshold reach of 5 million users for social media and 10 million users for search engines. However, the rationale for this is unclear. These figures reflect roughly 20-50% of the adult population in Australia. According to this threshold, social media platforms with a reach above 20% in Australia include LinkedIn, X, YouTube, Instagram, WhatsApp, Facebook, Facebook Messenger and TikTok.¹

The NBI should be platform-agnostic. We recommend the adoption of the more inclusive term contained in the Canadian C-18² legislation, ‘digital news intermediary’. This includes all services that make journalism produced by news outlets available to users which allows flexibility to incorporate emerging digital platforms, such as generative AI platforms.

Over the past two decades, news outlets have gradually lost control of how their content is discovered by audiences. With the advent of generative AI-enabled platforms, news organisations are now facing a ‘zero-click’ era in which users find information without having to click a link from the platform page³. We recommend that generative AI services be included in the digital media intermediaries’ definition given the unavoidable role they play in online search, as well as their reliance on original news content to train the models used to provide information to users.

AI platforms are also increasingly adopting advertising-based monetisation strategies, further aligning them with the business models that originally justified news bargaining interventions. More recently, OpenAI has been testing and adopting advertising within ChatGPT as part of its strategy to monetise its free user base, with ads projected to become a significant revenue driver in the near future.⁴

Excluding AI services therefore creates a significant regulatory gap and a missed opportunity at the precise moment when their market power and impact on journalism are accelerating.

Concerns about the NBI proposal were raised at the recent News Futures – Media Policy Roundtable⁵ with 45 stakeholders, hosted by the News & Media Research Centre in February 2026. Government action around sustainable business models for journalism

¹ Park, S., McGuinness, K., Lee, J., Fulton, J., Fujita, M., Nolan, D., Fisher, C. & Nardi, G. (2026). *Digital News Report: Australia 2026*. Canberra: News & Media Research Centre, University of Canberra.

² <https://www.canada.ca/en/canadian-heritage/services/online-news.html>

³ <https://www.forbes.com/sites/bernardmarr/2025/08/07/what-is-zero-click-and-why-is-it-turning-marketing-on-its-head/>

⁴ <https://openai.com/index/our-approach-to-advertising-and-expanding-access/>

⁵ Park et al. (2026). Synthesis and priorities: news futures: Media Policy Roundtable 2026. Canberra: News & Media Research Centre. <https://apo.org.au/node/333994>

was also discussed at an industry roundtable⁶ convened by the NTS Network in September 2025.

The following recommendations related to the NBI were put forward by stakeholders involved in these two events:

- Include generative AI platforms in the NBI as they become an increasingly dominant source of news and information for the Australian public, and as AI summaries reduce referral traffic to news websites.
- Ensure a platform-agnostic NBI which includes all types of digital platforms.
- Implement a transparent system for the use and distribution of charge revenue if platforms elect to pay it in lieu of entering commercial deals with publishers.
- Ensure any platform funds distributed through commercial deals or the charge are used for public interest journalism.
- Adopt clear, transparent and evidence-based evaluation measures to track the long-term impact of the NBI and related legislation.

2. Incentivise deals with smaller publishers by creating a steeper offset tier

The proposed offset of between 150% for deals done with larger companies and 170% for smaller and medium publishers is not sufficient to incentivise negotiations with smaller publishers. A higher offset rate of 300% should be applied when platforms strike funding agreements with smaller publishers and publishers that target under-served markets, including regional, local, culturally and linguistically diverse, First Nations, and not-for-profit news businesses.

The difference between the 150% and 170% offset is not large enough to outweigh the administrative burden from platforms if they negotiate with multiple small publishers. For example, if a platform's revenue is \$250 million, the difference between a 150% and 170% offset is only around \$500,000 (if the entire funds are spent on small publishers), an amount unlikely to shift behaviour. However, if a 300% offset were applied, the value of the deduction would be a maximum of \$2,000,000, which would create a meaningful incentive for platforms to fund small publishers.

3. Increase the minimum number of qualifying agreements

The draft legislation explanatory materials states: *'the parent entity must have sufficient eligible expenditure in relation to at least four news business corporate groups. This prevents the entity from being able to fully offset its NMI with one large agreement with a single news business corporate group and encourages the sustainability and diversity of the Australian news media sector.'*

⁶ Thomson et al. (2025). Resourcing, technology and audiences: an industry-led agenda for journalism practice and research. Melbourne: RMIT. <https://apo.org.au/node/332662>

The four-deal minimum is insufficient to meet the draft legislation's news diversity and sustainability objectives. Under the proposed system, platforms are incentivised to limit deals to four news businesses to minimise their administrative burden. Furthermore, the framework does not prevent platforms from striking repeated or overlapping deals with the same news business.

If all three platforms proposed for inclusion in the NBI take this approach, this could result in a total of only four and up to 12 beneficiaries nationwide out of more than 2,000 news businesses in Australia.

Even if the pool of potential news businesses was restricted to those included on the ACMA's register of eligible businesses, more than 90% would miss out.⁷ This regime would strengthen the platforms' bargaining position over Australia's news industry, ultimately influencing the journalism it produces and the audiences it serves. Platforms should not have the power to nominate the main beneficiaries of the scheme.

We recommend:

- Increasing the minimum number of deals from 4 to 10.
- Offering a further offset to platforms which negotiate deals with more than 10 separate news businesses to further incentivise fair and diverse distribution of funds.

4. Require platforms to commit to multi-year commercial deals

Under the draft legislation there is no lock-in period mandating that commercial deals remain in place for a fixed number of years, nor any restrictions on platforms switching between paying the charge one year and negotiating with news businesses the next. Each financial year stands on its own, and there is no requirement for continuity. This risks jeopardising government schemes reliant on anticipated charge payments and creates uncertainty for news businesses.

We recommend the final legislation provide a disincentive to platforms alternating between commercial deals and paying the charge by treating any such behaviour as avoidance of their obligations. A clause under 'Part 5: Anti-avoidance' as a structural safeguard could be added to that effect.

5. Adopt transparency and evaluation measures to ensure funds flow to public interest journalism

To ensure the NBI is used to bolster news industry sustainability and diversity, the legislation should require funds delivered through both commercial deals and the

⁷ As of 12 May 2026, there were 85 news businesses registered covering more than 400 individual news outlets. <https://www.acma.gov.au/register-eligible-news-businesses>

charge be spent on public interest journalism. News organisations should be required to detail how the funds are used through regular reporting.

Tracking and measuring the effectiveness of the NBI is critical for accountability and the draft legislation must include provisions for mandatory evaluation and research. Data on the funds spent on public interest journalism must be closely monitored and require transparent reporting of both commercial agreements and any NBI revenue distribution.

Original data should be collected to track, monitor and evaluate the outcomes of the NBI, collected directly from beneficiary news organisations. This could be implemented by mandating that all beneficiary news organisations submit annual reports on key measures, regardless of whether they receive funds from platforms directly or from the NBI revenue distribution scheme. Key data to collect from eligible news businesses include: (1) journalistic output (public interest journalism); (2) news production practices; and (3) workforce statistics. Funds used to support public interest journalism must be disclosed publicly.

This primary data would complement the existing longitudinal studies on news audience trends in news consumption and the role of digital platforms in the news ecosystem, such as the *Digital News Report: Australia*⁸, and the ACMA's *News Media in Australia* reports⁹, to inform the outcomes of the NBI and draft legislation.

⁸ <https://www.canberra.edu.au/research/centres/nmrc/digital-news-report-australia>

⁹ <https://www.acma.gov.au/news-media-australia>