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NEWS MEDIA AND DIGITAL PLATFORMS MANDATORY BARGAINING CODE

The Morrison Government will this week introduce a world-leading binding code into the Parliament that will address the bargaining power imbalance between news media businesses and digital platforms.

The News Media and Digital Platforms Mandatory Bargaining Code was developed after extensive public consultation spanning almost three years.

The Code will ensure that news media businesses are fairly remunerated for the content they generate, helping to sustain public interest journalism in Australia.

The Code will support a diverse and sustainable Australian news media sector, including Australia's public broadcasters, by:

- encouraging the parties to undertake commercial negotiations outside the Code;
- enabling digital platforms to publish standard offers, which provides smaller news media businesses with an efficient pathway to finalising agreements with digital platforms;
- establishing a negotiation framework under the Code that allows both parties to bargain in good faith and reach binding agreements;
- ensuring that an independent arbiter is able to determine the level of remuneration that should be paid under a fair and balanced final offer arbitration model should the parties be unable to reach agreement; and
- setting clear and workable minimum standards for digital platforms including requiring 14 days advance notice of deliberate algorithm changes that impact news media businesses.

The Code will initially apply to Facebook NewsFeed and Google Search. Other digital platform services can be added to the Code in future if there is sufficient evidence to establish that they give rise to a bargaining power imbalance.

The Code will be reviewed by Treasury one year after its operation to ensure it is delivering outcomes that are consistent with the Government's policy intent.

Digital platforms have fundamentally changed the way that media content is produced, distributed and consumed. This Code underscores the Morrison Government's efforts to ensure the Australian economy is able to take full advantage of the benefits of digital technology while protecting a strong and sustainable Australian news media.

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