

 Australian Government	Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts	Meeting / Event Brief MB25-001924
---	--	--

To: Minister Wells

Subject: NEWS MEDIA BARGAINING ROUNDTABLE

Date & Time:	Tuesday, 5 August 2025, 1:00 – 2:00 PM
Meeting type & Location:	Melbourne CPO
Traditional custodians:	Wurundjeri and Bunurong Peoples of the Kulin
Staffing:	s22(1)(a)(ii)
Intended objective:	s22(1)(a)(ii) 
Key Attendees:	  News Corp Australasia Michael Miller <i>Executive Chairman</i>  
Stakeholder's objective:	  
Media	No media arrangements but all attendees represent media organisations.

Purpose – why you are attending:

- s22(1)(a)(ii)
- The former Minister for Communications, the Hon Michelle Rowland MP, and the former Assistant Treasurer, the Hon Stephen Jones MP, announced the Incentive in December 2024 (**Attachment D**), including a commitment to public consultation on the detail of the design of the Incentive.
- The announcement set expectations for a public consultation paper in early 2025, but no paper has been released. s22(1)(a)(ii)

Key Matters / Issues:

- s22(1)(a)(ii)


- Background on the Incentive is provided below, and a Treasury fact sheet is at **Attachment E**. Consultation on the detail of the Incentive was to commence in 'early 2025' to inform legislation.
- The fact sheet states that the Incentive would apply for income tax years commencing on or after 1 January 2025. s22(1)(a)(ii)

s47C

- Commercial deals resulting from the Incentive would likely confer significant financial benefits on large news organisations and any smaller organisations with deals. However, any news organisations without commercial deals would not benefit from the Incentive.

Productivity and AI

- Mr Miller may also raise concerns that as part of work on productivity agenda, the government may seek to boost use of AI, and facilitate this through amendments to copyright law to allow AI to use content online (**Attachment F** refers)
- AI policy is a matter for the Minister for Industry and Copyright is a matter for the Attorney-General, however we are watching closely given implications for the sector.

Sensitivities:

- s47C
- s22(1)(a)(ii)

Background:

- On 29 February 2024, Meta announced it was removing the News tab from its Facebook service in Australia, and that it would not enter into new commercial deals for traditional news content.
- On 12 December 2024, the Hon Michelle Rowland MP, then Minister for Communications, and the Hon Stephen Jones MP, then Assistant Treasurer and Minister for Financial Services, announced the Government's intent to establish the News Bargaining Incentive.
- The announcement acknowledged that platforms could avoid obligations under the Code by removing news from their services and positioned the Incentive as the solution. Key characteristics of the Incentive included in the announcement were:
 - The Incentive will include a charge and offset mechanism, allowing platforms to reduce their liability by entering into deals with Australian news businesses.
 - The Incentive will apply to large digital platforms operating significant social or search services, regardless of whether they carry news.
 - The Incentive is not intended to raise revenue.
 - The Government will consult stakeholders on the final design of the scheme, and a public consultation paper is expected to be released in early 2025.

Consultation:

- The department consulted with the Treasury. Treasury provided an update on the status of the Incentive and details of the questions raised by stakeholders.

Name: Susan Charles
Position: Assist Secretary
Branch: News and Journalism
Ph: (02) 6136 ^{s22(1)}_{(a)(ii)}
Mob: ^{s22(1)}_{(a)(ii)}
Date Cleared: 31 July 2025

Contact Officer: ^{s22(1)(a)(ii)}
Position: Director, Industry Incentives
Branch: News and Journalism
Ph: (02) 6136 ^{s22(1)}_{(a)(ii)}
Mob: ^{s22(1)}_{(a)(ii)}

Attachments:

- Attachment A: Logistics Summary
- Attachment B: Biographies
- Attachment C: Talking Points
- Attachment D: Albanese Government to establish News Bargaining Incentive
- Attachment E: News Bargaining Incentive Fact Sheet
- Attachment F: Correspondence from news organisations regarding AI and copyright

ATTACHMENT B

BIOGRAPHIES

Michael Miller
Executive Chairman
News Corp Australia
IG: @michaelmillernews

Mr Miller has held the Executive Chairman role since November 2015. He has over 25 years experience working in executive roles in the media industry, previously as the CEO of APN News and Media (now ARN). Mr Miller has previously held responsibility for News Limited's businesses in both New South Wales and South Australia and he was News Limited's Marketing Director for seven years. Mr Miller is the Chairman of The Newspaper Works.

s22(1)(a)(ii)

s22(1)(a)(ii)



ATTACHMENT C

TALKING POINTS

- The Government remains committed to addressing the significant bargaining power imbalances between news businesses and the major digital platforms, and we expect large digital platforms to contribute to the sustainability of news and journalism in Australia.

s47C

A large rectangular area of the page is redacted with a grey background. On the far left, there are five small vertical grey bars, with the first one containing the text 's47C'. The redacted area is bounded by these bars on the left and right sides, and it is divided into four horizontal sections by three horizontal grey bars.**If asked about how any revenue will be used:**

- The Incentive is not intended to raise revenue.
- The Government has therefore not considered how any revenue would be used.

If asked about Copyright:

- I'd encourage you to raise your concerns with the Attorney-General who is responsible for copyright.



Search



[Home](#) / [Ministers](#) / [The Hon Stephen Jones MP](#)
/ [Media releases](#)
/ Albanese Government to establish News Bargaining Incentive

12 December 2024

Albanese Government to establish News Bargaining Incentive

Joint media release with
The Hon Michelle Rowland MP
Minister for Communications

The Albanese Government will establish the News Bargaining Incentive to ensure large digital platforms contribute to the sustainability of news media in Australia.

A strong and diverse news sector is vital for a healthy democracy.

However the rapid growth of digital platforms has disrupted revenues to Australia's media sector, which threatens the viability of public interest journalism.

The News Media Bargaining Code was introduced in 2021 to incentivise digital platforms to enter into commercial deals with news publishers.

The code acknowledged that large digital platforms are unavoidable trading partners for Australian news media businesses in reaching audiences online, and sought to address the imbalance of bargaining power between digital platforms and news media publishers.

However, the code has limitations. It allows platforms to avoid their obligations by removing news. This is not in the best interest of Australians. A significant proportion of Australians use digital platforms to access news, and we want this to continue.

The Government is acting to address this, by establishing a News Bargaining Incentive to encourage digital platforms to enter into or renew commercial deals with news publishers.

Australia does not intend to raise revenue from this policy.

The bargaining incentive includes a charge and an offset mechanism. Platforms that choose not to enter or renew commercial agreements with news publishers will pay the charge. Platforms with these agreements will, however, be able to offset their liability.

The incentive will apply to large digital platforms operating significant social media or search services irrespective of whether or not they carry news.

The Government will consult stakeholders on the final design of the scheme.

A public consultation paper is expected to be released in early 2025.

The incentive builds on significant work underway to ensure Australian laws keep pace with digital technologies, including the development of a new scams prevention framework, a digital competition regime, implementation of privacy reforms, and ongoing work related to artificial intelligence.

The Government will have further announcements outlining support for news media.

[Download the News Bargaining Incentive Fact Sheet \[DOCX 149KB\]](#)

Comments attributable to the Assistant Treasurer and Minister for Financial Services, the Hon Stephen Jones MP:

“The Government wants Australians to continue to have access to quality news content on digital platforms.

“Digital platforms receive huge financial benefits from Australia, and they have a social and economic responsibility to contribute to Australians’ access to quality journalism.

“This approach strengthens the existing code by addressing loopholes that could see platforms circumvent their responsibility to pay.”

Comments attributable to the Minister for Communications, the Hon Michelle Rowland MP:

“The Albanese Government is committed to a diverse and sustainable news media sector, given this is critical to the health of Australia’s democracy.

“Large digital platforms have an important role to play in providing access to news for all Australians, and contributing to the sustainability of public interest journalism.

“The News Bargaining Incentive is an important step towards securing support for Australia’s news media.”



The Hon Stephen Jones MP
Assistant Treasurer and Minister for Financial Services

1 June 2022 – 13 May 2025

Privacy

Social media guidelines



News Bargaining Incentive Fact Sheet

What is the News Bargaining Incentive?

- The News Bargaining Incentive is aimed at ensuring that large digital platforms contribute to the sustainability of news and journalism in Australia, but with a clear preference for this to be done through the renewing or entering of commercial deals.
- The policy is designed to support Australia's news sector by incentivising digital platforms to renew or enter commercial deals as envisioned under the News Media and Digital Platforms Mandatory Bargaining Code that was established in 2021.
- The incentive includes a charge and an offset mechanism. Large digital platforms that choose not to enter or renew commercial agreements supporting Australian journalism will pay the charge. Platforms with these agreements will however be able to offset their liability due to a non-refundable offset against the charge.

When will the News Bargaining Incentive commence?

- Consultation on the incentive will begin in early 2025, with legislation to follow detailed consultation.
- The charge element of the incentive would apply for income tax years commencing on or after 1 January 2025. It will apply on an income year basis.

Who will be affected?

- The incentive will apply to large, digital platforms operating significant social media or search services, irrespective of whether they carry news content.
- The proposed test for application would have three limbs:
 - A digital platform will be considered large if it, together with its related bodies corporate, has gross annual revenue of over \$250 million attributable to Australian markets, exclusive of GST.
 - The digital platform must operate a social media and/or search service. It is expected definitions of these terms will be narrow and targeted to ensure the incentive does not inadvertently capture specific services that do not support the

incentive's objective of incentivising commercial deals envisioned under the code. For example, it is not expected to capture dating services such as Bumble and direct messaging services such as Signal.

- The social media and/or search service must be significant.
- It is expected that few services will fall within scope of the incentive. We anticipate Meta, Google and TikTok would fall within scope of the incentive.
- The government will consult with relevant stakeholders on the technical details of the incentive including the test for application.

How will the charge work?

- The intention of the incentive is not to raise tax revenue.
- The charge element of the incentive and accompanying offset will be set to incentivise commercial deals between digital platforms and news businesses. The consultation process will ensure the rate is set at the appropriate level.
- The calculation of the charge will be based on total gross revenues attributable to Australian markets. It will apply to large digital platforms operating significant social media or search services, irrespective of whether they carry news content.
- Large digital platforms that are subject to the charge will be incentivised to renew or enter into commercial deals to remunerate Australian news organisations for the production of journalism with a non-refundable offset against the charge.

How will the offset work?

- Entities subject to the incentive will be able to reduce their liability, in part or in full, by claiming against a non-refundable offset for eligible expenditure supporting journalism.
 - This will include expenditure under commercial deals to remunerate news organisations, and other contributions to the news sector.
- The offset will be designed to strongly incentivise entities to renew or enter into commercial deals, rather than pay the charge. Eligible expenditure will offset liability for the charge at a greater than 1 for 1 rate (that is, eligible expenditure of \$100 will reduce the liability for the charge by more than \$100).

How will the incentive interact with other taxes or levies paid by multinationals?

- The charge element of the incentive will apply in addition to corporate income tax and will not be a deductible expense for corporate income tax purposes.

Why is there a need for the incentive?

- The government considers that a strong and diverse news sector is vital for a healthy democracy.
- However the rapid growth of digital platforms has disrupted revenues to Australia's media sector, which threatens the viability of public interest journalism.
- The News Media Bargaining Code was introduced in 2021 to incentivise digital platforms to enter into commercial deals with news publishers.
- The code acknowledged that large digital platforms are unavoidable trading partners for Australian news media businesses in reaching audiences online, and sought to address the imbalance of bargaining power between digital platforms and news media publishers.
- However, the code has limitations. It allows platforms to avoid their obligations by removing news. This is not in the best interest of all Australians.
- A significant proportion of Australians use digital platforms to access news, and the government wants this to continue.
- The government is acting to address this, by establishing a News Bargaining Incentive to encourage digital platforms to enter or renew commercial deals with news publishers. Australia does not intend to raise revenue from this policy.

What about the News Media Bargaining Code?

- The code successfully prompted digital platforms to enter commercial deals with Australian news organisations. However, the code has been challenged by Meta's decision to cease its commercial deals in Australia.
- The policy is designed to reinforce the code by incentivising commercial deals as envisioned under the code and ensure digital platforms continue contributing to journalism in Australia.

What consultation is proposed?

- Commencement of public consultation would be announced via a press release (and the consultation paper published on the Treasury website) by the Assistant Treasurer and Minister for Communications in early 2025.
- Following consideration of submissions on the consultation paper, exposure draft legislation will be developed for public consultation.
- Legislation to implement the incentive this process is expected to occur after the election.



News Corp
Australia



AUSTRALIAN
SOCIETY
OF AUTHORS



11 July 2025

Hon Anika Wells MP

Minister for Communications and Minister for Sport

By email: minister.wells@mo.communications.gov.au, Barnaby.kerdel@aph.gov.au,
 s22(1)(a)(ii) @mo.communications.gov.au, s22(1)(a)(ii) @mo.communications.gov.au

Dear Minister,

Re: Acknowledgement of the Government's economic agenda and concerns regarding copyright exceptions

The above organisations are representatives of Australia's creative industries, copyright holders, and content licensing bodies including music, art, books, audio and news media organisations. We write regarding calls for reform to Australia's copyright law.

We acknowledge the Government's second term economic agenda including the focus on enhancing productivity and harnessing the potential of AI and digital technologies for the benefit of Australia and Australians.

That said, we have a significant concern that could undermine these efforts: the advocacy by large digital platforms for a Technology and Data Mining (TDM) exception to Australia's copyright law. This proposal would allow these platforms to use the copyrighted content of Australian companies and creatives without seeking permission or agreeing to terms of use, including remuneration.

While we recognise the potential benefits of AI and AI products and services, we are deeply concerned about the implications of such an exception on Australia's cultural, social, and economic sovereignty through the significant and unnecessary risk to Australia's creative, cultural and media industries. We believe that price is far too high.

The erosion of Australian copyright law through a Text and Data Mining (or other) exception poses the following key risks:

– Legalising unauthorised use

It would effectively legalise the unauthorised use of copyrighted content (including music, art, books, images, audio, video, entertainment and documentaries, and professionally created news) without

agreement to terms of use, including remuneration, to the creators and rightsholders of the content. This would undermine the foundation of Australia's copyright law;

- **Benefits primarily accrue to large digital platforms**

The primary beneficiaries of such an exception would be large digital platforms that would minimise input costs, zero-out liability, and entrench the already dominant positions they hold in their primary markets and adjacent markets. This could lead to significant value extraction from the Australian economy, rather than benefiting Australians; and

- **Cultural and Social Ramifications**

A strong copyright framework is essential for maintaining Australia's cultural and social fabric. This is particularly critical for protecting Australia's wealth in Indigenous Cultural Intellectual Property (ICIP). Weakening this framework undermines the incentives for original content creation reflecting Australian stories and perspectives.

Australia's copyright law is not a barrier to innovation and productivity. On the contrary, it establishes the right environment to encourage negotiations and develop licensing solutions between rights holders and those seeking the use of that material as inputs into other products and services.

In short, we would strongly oppose any exception/s such as a Technology and Data Mining exception to Australia's copyright law. The law does not require change.

We urge the government to consider these broader implications and dismiss any Technology and Data Mining exception (or similar) proposal.

We are committed to working collaboratively with the Government to ensure that Australia's economic policies nurture an environment where creativity and innovation can thrive alongside technological progress.

We look forward to engaging with you further on this critical issue.

<ul style="list-style-type: none"> ◊ AAP ◊ APRA AMCOS ◊ ARIA – Australian Recording Industry Association ◊ Australasian Music Publishers' Association Limited (AMPAL) ◊ Australian Music Centre ◊ Australian Publishers Association (APA) ◊ Australian Society of Authors (ASA) ◊ Australian Writers' Guild (AWG) ◊ AWG Authorship Collecting Society (AWGACS) ◊ Copyright Agency 	<ul style="list-style-type: none"> ◊ FreeTV ◊ Guardian Australia ◊ National Aboriginal and Torres Strait Islander Music Office ◊ National Association for the Visual Arts (NAVA) ◊ News Corp Australia ◊ Nine Entertainment Company ◊ PPCA (Phonographic Performance Company of Australia) ◊ SBS ◊ Screenrights ◊ Seven West Media
---	--