

OFFICIAL



Australian Government

Department of Infrastructure, Transport,
Regional Development, Communications, Sport and the Arts

News Bargaining Incentive

Consultation on Revenue Distribution

April 2026



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Table of Contents

Table of Contents	3
Guidance for Submissions	4
Out of scope	4
Submission Lodgement	4
Background	5
Components for Stakeholder Feedback	7
1. Eligibility Criteria - Organisation	7
2. Payment Allocation Formula	9
3. Additional support for activities (weightings)	11
4. Payment Conditions	11
5. Administration of the Scheme	12
Summary of the Proposed Statutory Payment Scheme	14
List of Questions	15

Guidance for Submissions

The department welcomes written submissions responding to the specific questions raised in this paper, and on any other matters relevant to the development of the proposed distribution model. We offer the following guidance intended to maximise our opportunity to consider your submission:

1. Structure your written submission as a response to the questions in this paper.
2. You do not need to respond to all questions.
3. Clearly delineate between confidential and non-confidential material.

Please note the proposed model presented in this consultation paper is subject to Government approval and passage of legislation. The content does not indicate a commitment to a particular policy, action or decision by the Government.

Out of scope

This consultation paper seeks views on a Statutory Payment Scheme to distribute any revenue collected by the News Bargaining Incentive, to ensure that it provides a public good, is fit for purpose and does not create any unintended consequences.

The Treasury is leading the work on the design of the News Bargaining Incentive, e.g. calculation of the Incentive liability including the rate of charge, deduction mechanism, and timing for implementation. Those matters are out of scope for this consultation process.

Questions for the Treasury should be directed to nbiconsultation@treasury.gov.au.

Submission Lodgement

Submissions should be received by **11:59 PM Australian Eastern Standard Time, 18 May 2026**.

Written submissions can be lodged by:

Website: www.infrastructure.gov.au/revenue-distribution-model

Questions about the submission process can be directed to: news.journalism@communications.gov.au.

Background

News Media Bargaining Code

The News Media and Digital Platforms Mandatory Bargaining Code (the Code) commenced on 3 March 2021. The Code aimed to address the bargaining power imbalances between large digital platforms and Australian news businesses identified by the Australian Competition and Consumer Commission (ACCC) in its final report on the Digital Platforms Inquiry in 2019.

There is limited information available about existing deals between digital platforms and news media producers due to commercial sensitivities. The 2022 review of the Code found that the Code had been a success in its first year with over 30 commercial agreements reached by Google and Meta, and a cross-section of news businesses. It has been widely reported that the total annual value of these deals is approximately \$200 million to \$250 million to the news sector.

While it has been successful in creating deals between digital platforms and news businesses, the code can only apply to digital platforms that carry news on their services. In practice this means that, without further incentive, a platform withdrawing news entirely from its service would render designation under the Code ineffective (as there would be nothing to negotiate or arbitrate over).

News Bargaining Incentive

On 12 December 2024, the Government committed to introducing a News Bargaining Incentive (Incentive) to incentivise digital platforms to renew or enter into commercial deals as envisioned under the Code. This would ensure that large digital platforms continue to contribute to the sustainability of Australian news and journalism. The Treasury is leading the work on designing the Incentive.

Under the Incentive, digital platforms would incur a liability that can be reduced by entering into commercial deals with news publishers. The Incentive is not intended to raise revenue. Rather, it is intended to encourage digital platforms to enter new commercial deals with Australian news businesses as envisioned under the Code.

Nonetheless, digital platforms may choose to pay the Incentive instead of entering into commercial deals. Consistent with the policy intent of the Incentive, under this proposal, any revenue raised will be used to support the sustainability of news and journalism in Australia.

Given this, it is essential that an appropriate mechanism be developed to distribute any revenue resulting from the Incentive in a manner that supports the continued provision of high quality and trusted public interest news in Australia.

Purpose of consultation

The purpose of this consultation paper is to seek views on a proposed **Statutory Payment Scheme to distribute any revenue raised by the Incentive**.

The Statutory Payment Scheme would be formula-based and established in Commonwealth legislation. It would provide a stable, transparent and proportionate model for distributing funding to news organisations based on their investment in journalists producing core news content.

Under the Statutory Payment Scheme, eligible organisations would receive a share of any revenue collected through the Incentive. To receive funding an organisation would submit an application with the required information to determine payment.

Organisations that meet the eligibility criteria and application requirements would receive payment consistent with the rules under the scheme.

Policy Objectives

Payments made to the sector under the Statutory Payment Scheme would be for a clear and valid public purpose: ongoing investment in news and journalism in Australia. This reflects the important role that news and journalism plays to support a healthy democracy, keep local communities connected and promote social cohesion.

To satisfy public accountability requirements for the use of public resources, the Statutory Payment Scheme would be subject to the Commonwealth Resource Management Framework and the *Public Governance, Performance and Accountability Act 2013*.

To ensure it delivers its intended objectives, and is fit for purpose without unintended consequences, the following section seeks stakeholder feedback on key components of the Statutory Payment Scheme:

1. Eligibility
2. Payment Allocation Formula
3. Additional support for certain journalists
4. Payment conditions
5. Administration of the Scheme.

Amount of funding to be distributed

The Statutory Payment Scheme would distribute all revenue raised by the Incentive. The value of funding to be distributed by the Statutory Payment Scheme will be variable and subject to:

- Australian revenues (or other charge base) for digital platforms subject to the Incentive.
- The total value of commercial deals between news organisations and digital platforms (called 'eligible expenditure' under Incentive).

It would be capped at the amount collected under the Incentive. The intention is that payments would be distributed as soon as practicable following the collection of any Incentive revenue, subject to digital platform reporting cycles and Australian Taxation Office processes.

Components for Stakeholder Feedback

1. Eligibility Criteria - Organisation

Payments made to the sector under the Statutory Payment Scheme would be fundamentally different from the commercial deals between news businesses and digital platforms envisioned under the Code and Incentive. They would be payments, made by government, for a clear and valid public purpose to support news and journalism in Australia.

Eligibility criteria will need to be designed such that funding is directed to support those news organisations producing core news content for Australian audiences to ensure the scheme meet the policy objectives.

Registration and Application Process

The Australian Communications and Media Authority (ACMA) currently administers a register of eligible news businesses under the News Media and Digital Platforms Mandatory Bargaining Code (the Code).

For the purposes of being eligible under the Statutory Payment Scheme, it is intended that organisations would only need to register as eligible once through the existing ACMA register. Organisations that are on the register prior to the establishment of the Statutory Payment Scheme would not be required to register again.

To be registered, news businesses need to demonstrate that they meet a series of eligibility tests:

1. Revenue

To be eligible to be registered as a news business corporation (businesses), the annual revenue of the corporation (as a whole) must have exceeded \$150,000 in the past year.

2. Content

Under the Code, businesses need to demonstrate that the primary purpose of each nominated news source is to create core news content.

3. Professional standards

Businesses need to demonstrate that each news source they nominate has professional editorial standards, including a mechanism for complaints.

4. Editorial independence

Businesses must declare if a news source is owned or controlled by an entity that is a political party, union, or a political lobby or advocacy group, or controlled by a party that has a commercial interest in the coverage being produced. If it is, they must provide evidence to demonstrate the editorial independence of the news source from the subjects of its news coverage.

5. Australian audiences

Businesses need to demonstrate that each nominated news source operates predominantly in Australia for the dominant purpose of serving Australian audiences.

6. Connection requirement

A corporation must demonstrate that it operates or controls the nominated news business, either by itself or together with other corporations.

In addition to providing information and evidence to demonstrate that they meet the above eligibility criteria, applicants must provide other specified information, including the news sources they want to register for the purposes of the code. A news source as defined in the Code means any of the following, if it produces and publishes news content online:

- a newspaper masthead
- a magazine
- a television program or channel
- a radio program or channel
- a website or part of a website
- a program of audio or video content designed to be distributed over the internet.

Full details regarding the application process, eligibility tests, and evidentiary requirements can be found on the ACMA website: <https://www.acma.gov.au/news-media-bargaining-code>

For each year of Incentive distribution, registered organisations would then be required to submit the required information needed to determine the payment allocation, e.g. number of FTE journalists employed by the organisation. Further information on the use of FTE journalists is discussed in the next section.

Questions

Q1: Do you have any concerns with the proposed registration and application process?

Q2: Would your organisation meet the criteria as set out under the ACMA register? If not, please explain which component of the eligibility criteria may cause an issue.

Q3: Is the proposed eligibility criteria fit-for-purpose in ensuring that the scheme supports continued investment in public interest news, diversity of media voices, and quality journalism?

Q4: Do any of the proposed eligibility criteria present significant costs or administrative burden for your organisation?

2. Payment Allocation Formula

The Statutory Payment Scheme will deliver certainty, transparency and proportionate funding for eligible news organisations based on the number of full-time equivalent (FTE) journalists employed by each organisation. It would be based on the number of FTE journalists employed at the time of application.

Payment allocation would be determined by this metric, using the following formula:

$$\text{Payment allocation} = \frac{\text{Eligible FTE journalists per organisation}}{\text{Total FTE journalists for all eligible organisations}} \times \text{Incentive revenue}$$

Example: Incentive revenue collected was \$100 million for the 2025-26 income year. At the time of the application process in 2026-27, Organisation XYZ has 15 FTE journalists. The total number of FTE journalists across all eligible organisations is 2,000. Organisation XYZ would receive \$750,000 (15/2000 x \$100,000,000) in 2026-27 (or as soon as practicable after the collection of Incentive revenue).

Full-time equivalent (FTE) journalists would form the basis of the formula

Journalists are integral in the production of news content. They play a leading role in gathering, verifying, and disseminating information to inform the public. FTE journalists provide a reasonable approximation for actual investment in news and journalism. Simultaneously, it imposes a relatively minor burden on applicants and administrators compared with other costs-based approaches. Selecting FTE journalists over labour costs ensures that news organisations receive a similar level of support per journalist regardless of salary choices. This does not preclude recognition of journalists employed on a part time basis, who could be recognised based on their FTE.

Because organisations receive a proportionate amount of funding based on their employment of journalists, it will be possible for funding to grow or reduce based on employment practices. If an organisation reduces the number of FTE journalists they employ, the amount they receive will likely be less, if it increases the amount they receive will likely be higher.

For these reasons, the Statutory Payment Scheme will use the number of eligible FTE journalists employed by the organisation to produce core news content.

The proposed model would define eligible journalists as follows:

- Journalists include all individuals in roles primarily responsible for the production (i.e. investigation, recording, and/or reporting) of core news content. This would include:
 - Journalists responsible for producing core news content.
 - Photojournalists, videographers and graphic designers that produce core news content in image form.

It would exclude:

- Non-editorial managers.
- Graphic designers and marketers producing branding materials, stylistic elements, and other non-news or non-informational content.
- Narrators, anchors, and presenters who primarily present core news content produced by journalists.

A range of alternative approaches could also be considered, including:

- A broader range of roles could be eligible for funding. This would capture other costs associated with the operation of a news business, but risks departing from the costs associated with journalism.
- Funding could be determined by reference to labour costs or production costs. These options would more closely align funding allocations with actual business expenses. However, this could result in a greater share of payments going to businesses with greater budgets to attract talent (risking industry consolidation), more costly distribution, or lower efficiency; or encourage gaming the system.

Evidence would be required to demonstrate that FTE journalists are primarily producing core news content

As FTE Journalists will be used to determine payments, eligible organisations will be required to submit employee information for each year of funding, a balance will be made between ensuring there is a robust evidentiary process without imposing a significant administrative burden on organisations.

A rigorous assessment process will be adopted to stop the possibility of organisations inflating the number of journalists they employ at the time of application. This might include auditing a businesses' employment records as an assurance measure.

The preferred approach to evidentiary requirements under the Statutory Payment Scheme would include the following:

- Evidence of employment: Organisations would need to establish that the FTE Journalist is employed by the organisation. Evidence requirements could include payroll information.
- Evidence of the nature of the role: Applicants would be required to give an undertaking that all the employees put forward are working in a position that meets the criteria for FTE Journalists. This could take the form of evidence of news content produced by that employee, or via a statutory declaration.

Questions

Q5: Is FTE journalists a good approximation for investment in news and journalism, and an appropriate basis for determining payments to the sector?

Q6: Are the identified editorial roles clear and fit-for-purpose? Are there other roles that should be included?

Q7: Do the proposed evidentiary requirements present any specific difficulties, or a sizeable burden, for your business? Are there any risks arising from these evidentiary requirements?

3. Additional support for activities (weightings)

Weightings could be applied to improve the equitability of support. The preferred approach under the proposed model is to apply weighting factors intended to enhance the equitability of the scheme and support diversity and representation objectives. For example, weighted funding could be used to:

- Support the employment of journalists in regional and rural areas.
- Provide targeted support for sector diversity.
- Encourage news organisations serving or representing marginalised communities.

Weighting could be applied to the number of eligible FTE journalists as part of formula calculations.

Example: A news organisation qualifying for the regional and remote weighting would have their total eligible regional and remote FTE increased by 10%.

Incentive revenue collected was \$100 million for the 2025-26 income year. At the time of applying for payment in 2026-27, Organisation XYZ has 15 FTE journalists. Five of the 15 journalists are located in regional and remote areas. The total weighted FTE would be 15.5 ($10 + (5 \times 1.1)$). The total number of FTE journalists across all eligible organisations is 2,000, but due to weightings this would increase to 2,050.

Organisation XYZ would receive \$756,097 ($15.5/2100 \times \$100,000,000$) in 2026-27 (or as soon as practicable). This is \$6,097 more than what would have been received under an unweighted model.

The proposed weighting factors that could be considered under the model are:

1. Regional and remote. A weighting for eligible journalists physically located in a regional or remote area as defined by the Australian Statistical Geography Standard, producing news content relating to that area, and working for an eligible organisation. This reflects the difficulty of attracting and retaining staff to work in regional and remote areas.
2. Small business. A weighting for organisations where the corporate group reports less than \$10 million in annual revenue. This is intended to counteract the anti-competitive risks arising from the economies of scale and resourcing available to larger organisations, and to promote diversity.
3. News serving or representing marginalised communities. A weighting for news brands that produce news content servicing or representing under-represented or marginalised communities (e.g. First Nations, culturally and linguistically diverse, in language news, or LGBTIQ+). This is intended to ensure that underrepresented and marginalised voices and perspectives are supported.

Questions

Q8: Are the above weighting categories an appropriate and effective means of accounting for the economies of scale and resourcing differences across the sector; and meeting the objectives of the Statutory Payment Scheme?

Q9: What weighting values would best achieve these aims?

4. Payment Conditions

Payments help to support the sustainability of the sector, but payment alone is not sufficient to safeguard the public interest. Conditions attached to payment may serve to increase the likelihood that support flows to public interest news.

The preferred approach under the proposed model will be for recipients of payments to be required to maintain, at a minimum, the number of eligible FTE journalists that was used to determine the payment. Organisations would be required to maintain the number of FTE journalists during the reporting period.

The preferred approach under the Statutory Payment Scheme is that the administration of the scheme be supported by information-gathering powers and investigatory powers, and that it includes penalties for non-compliance. This would likely include temporary or permanent exclusion from the scheme for serious non-compliance, as well as administrative and/or pecuniary penalties.

During each year of funding, a target number of registrations, would also be reviewed.

Questions

Q10: Is the proposed retention obligation an appropriate measure to ensure that funding provided to the sector delivers against a clear and valid public purpose?

Q11: Are there any risks or other issues we should take into consideration with regard to the retention obligation, including time periods and tolerance thresholds?

Q12: What penalties should apply for organisations that are later found to have mis-reported their eligibility or employment practices?

5. Administration of the Scheme

Administrative arrangements will be required to manage the Statutory Payment Scheme. It is important that these align with existing industry practice where practicable, and that any risks or considerations inform the final design. This will help reduce administrative overheads and compliance burdens.

Regular Reporting

The preferred approach under the proposed model is to require successful applicants to provide:

- regular reports, ahead of each payment period, updating figures relevant to payment calculation;
- regular reports, following each payment period, outlining figures relevant to conditions imposed on the recipients of payments;
- notice of any change that could affect the organisation's eligibility, or the eligibility of either to claim payment weighting factors, within required statutory timeframes; and
- notice of any structural changes to the corporate group, organisation, news brands, or editorial units which were included in an application, within a required statutory timeframe.

Regular reports would cover the following matters:

- the number of persons employed as eligible FTE journalists;
- the local government areas covered by news media.

Transparency Arrangements

Transparency is essential for government policies impacting news and journalism. The preferred position is the Statutory Payment Scheme would include transparency arrangements that would include, at a minimum, disclosure of:

- the recipients of payments;
- the amount of funding they received;
- any weightings applied in calculating that payment;
- aggregate industry figures and outcomes;
- any penalties imposed under the scheme;
- any debts raised under the scheme; and
- any parties excluded from the scheme, temporarily or permanently.

These publications are consistent with the Government's commitment to transparency when considering the scale and nature of the intervention, and the risks it could pose to the actual or perceived independence of the press. However, there may be sensitivity around some of these details.

Questions:

Q13: Do you have any concerns about the general approach to regular reporting and an event-based notification framework?

Q14: What lead-in time would you require for information required under regular reporting and event-based notices? Do you have any concerns about the feasibility of collecting this information, the timing or sequencing of obligations, or disclosure of commercially sensitive information?

Q15: Do you have any concerns or views about penalties under the scheme, including the thresholds and penalties for serious non-compliance?

Summary of the Proposed Statutory Payment Scheme

Mechanism	<p>Statutory Payment Scheme</p> <p>A statutory payment model is a form of government support, established in legislation, where payments are made according to fixed rules rather than a competitive or discretionary process.</p> <p>Legislation would define the core aspects of the program.</p>
Eligibility Criteria - Organisation	<p>News businesses need to be registered on the News Media Bargaining Code Register (administered by the ACMA) which involves meeting a series of 6 eligibility tests on:</p> <ul style="list-style-type: none"> Revenue Content Professional standards Editorial independence Australian audiences Connection requirement
Payment Allocation	<p>Payment allocation is determined by the number of eligible Full-Time Equivalent (FTE) journalists employed by the organisation.</p> $\text{Payment allocation} = \frac{\text{Eligible FTE journalists per organisation}}{\text{Total FTE journalists for all eligible organisations}} \times \text{Incentive Revenue}$ <p>Eligible FTE Journalists are employees paid to produce core news content.</p>
Additional support for certain journalists	<p>Additional weighting applied to eligible FTE journalists located in remote and regional areas, or working for small, First Nations, CALD or LGBTQIA+ eligible organisations.</p>
Payment Conditions	<p>A requirement to maintain, at a minimum, the number of eligible FTE journalists funded under the program.</p>
Administration	<p>Reporting; Compliance and Penalties, and Transparency arrangements.</p>

List of Questions

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Q3: Is the proposed eligibility criteria fit-for-purpose in ensuring that the scheme supports continued investment in public interest news; diversity of media voices; and quality journalism?

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Q7: Do the proposed evidentiary requirements present any specific difficulties, or a sizeable burden, for your business? Are there any risks arising from these evidentiary requirements?

Q8: Are the proposed weighting categories an appropriate and effective means of accounting for the economies of scale and resourcing differences across the sector; and meeting the objectives of the Statutory Payment Scheme?

Q9: What weighting values would best achieve these aims?

Q10: Is the proposed retention obligation an appropriate measure to ensure that funding provided to the sector delivers against a clear and valid public purpose?

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