

**Guardian Australia submission
on News Bargaining Incentive
Revenue Distribution –
Statutory Payment Scheme**

May 2026

Overview

Guardian Australia's clear preference is for commercial deals with digital platforms where they are incentivised to negotiate rather than pay a levy. This position is due in part to concerns about the methodology for disbursing the charge. While we are sympathetic to the reasoning behind the Treasury's pragmatic approach of a simple FTE journalists formula, it is an imperfect proxy for the value of Guardian Australia journalism.

Put simply, we punch well above our weight in terms of reach, impact, quality and diversity of our journalism in relation to the number of journalists we employ. With a relatively modest workforce in relation to Nine, News Corp or the ABC, we now rank 4th in the Ipsos Iris news category and reach 35-40% of all Australians each month.

The recent 2026 federal budget made specific reference to the NBI saying, that it was designed "to support the sustainability of news and public interest journalism". The budget included measures to support ABC's Indo-Pacific broadcasting strategy, additional funds to support the Australian Associated Press and a two year suspension of the Commercial Broadcasting Tax. The Guardian does not benefit from any of these targeted budget measures.

If the NBI truly intends to support "sustainability", it needs to move beyond metrics that prioritise legacy scale over contemporary impact. The narrow definition of FTE journalist is not an accurate measure of the value the Guardian brings to the Australian democratic discourse. It is a measure that rewards size over efficiency and favours the legacy big players.

The Guardian's answers to the consultation paper questions contain suggestions around definitions and categories including the inclusion of a Public Interest weighting. But we acknowledge that these are tinkering round the edges rather than addressing the core issue.

Section 1 - Eligibility Criteria - Organisation

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

The registration process is only required once; we recommend that organisations should have to renew the registration on an annual basis to demonstrate that they continue to be eligible.

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.

Yes, GNM Australia is currently registered for the publication "Guardian Australia".

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?

The eligibility criteria should be reviewed from time to time to take into account advances in technology and publishing methods.

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

No significant difficulty or costs, however the length of time to process the registration was around two months. Given our recommendation that applications should be renewed annually, it would be pragmatic to speed up the processing time.

Section 2 - Payment Allocation Formula

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

With a relatively modest workforce, the Guardian outperforms other news organisations in terms of impact, quality and diversity of our journalism in relation to the number of journalists we employ. The narrow definition of "FTE journalist" is not an accurate measure of the value that the Guardian brings to Australian public interest journalism and therefore should not be used as

an approximation for investment and journalism. It is also a simplistic measure that rewards headcount over efficiency or productivity.

As set out above, it is a blunt proxy that disadvantages newsrooms like Guardian Australia whose reach, quality and output exceed industry norms as measured by the number of journalists employed. Furthermore it rewards established players and exacerbates their existing advantage. However, this would not be materially improved by shifting to a metric of staff or production costs. In light of this we look forward to consulting further as the legislation progresses.

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

The current definition of “journalists” ignores the reality of modern news production and delivery and effectively penalises innovation in visual and multimedia production and journalism. Audiences, and in particular younger audiences, are increasingly accessing news in non-text formats through social platforms. The Guardian is investing heavily¹ in a transformation project, including to increase visual and multimedia production in all of its newsrooms, which will increase headcount in Australia. But under the current guidelines the definition of eligible journalists is too open to interpretation, and it is unclear whether these new roles would be counted, despite being heavily involved in journalism.

To ensure consistency across news organisations and to incentivise innovation we would suggest the list include the following:

- Broader categories of roles which are integral to the creation, production and publication of journalism and are in line with the definitions in Guardian Australia’s enterprise agreement.²
- Hybrid roles e.g. (presenter/producers) which are increasingly common in multimedia production.
- Emerging roles around AI such as fact checkers and prompters.
- Clarification as to how an “FTE” journalist is determined e.g. is this referring to 37.5 hours per week and would a journalist who also undertakes a hybrid role only be counted for part of their work?
- Clarification as to whether “non-editorial managers” refers exclusively to a manager of non-editorial staff, or also includes managers of editorial staff.

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

The biggest risk would be the interpretation of the eligibility criteria being different at each organisation. The Guardian also has concerns relating to the evidence of the nature of the role of each journalist that may be required to be put forward. The consultation paper states that this could (as one example) take the form of evidence of news content produced by that employee. This suggests that news content could be reviewed as part of determining eligibility, that is, presumably to determine if that content is “covered news content” and such a review is not supported by the Guardian.

Section 3 - Additional support for activities (weightings)

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?

The core objective of the NBI is to correct the systemic power imbalance between digital platforms and the news organisations whose content they monetise. Introducing broad weighting categories based on organisational size risks shifting the scheme from a market-balancing mechanism toward a redistributive subsidy model. We believe that existing programs, such as NewsMap, are more appropriate venues for addressing the specific resourcing challenges of smaller publishers.

The rationale for weighting assumes that economies of scale alleviate the cost of specialised reporting and that it is necessary to have journalists permanently living in regional and rural areas for journalists to provide coverage of such areas. Organisations like the Guardian have invested heavily in:

- Regional and rural reporting
- In-depth coverage of diverse and marginalised communities
- Investigative journalism that provides significant public value

¹ <https://pressgazette.co.uk/news-leaders/katharine-viner-guardian-editor-interview-transformation-plan/>

² <https://www.fwc.gov.au/document-view/media/download/218538>

A weighting system that favors organisation size or location of journalists over content output is a crude metric, which does not reward productivity or adequately value the journalism the government seeks to protect.

Recommendations for Alternative Implementation

Should the government proceed with a weighting system despite these concerns, we suggest the following refinements to ensure effectiveness:

- **Platform-Agnostic Definitions:** The category “News serving or representing marginalised communities” should be defined by the nature of the roles and the content produced, rather than the size of the publication. Any organisation with dedicated desks or reporters focused on these communities should qualify for the relevant weighting.
- **Public Interest Weighting:** We strongly recommend extending weighting to investigative reporters and editors. Investigative output is essential for exposing power structures that create inequality, yet it is the most resource-intensive and commercially vulnerable form of journalism. This would recognise this specialism’s critical role in meeting the scheme’s objective of supporting a healthy democratic discourse.

The criteria used for any weighting would need to be very clear and transparent as the weightings would affect the allocations for all media organisations, not simply the organisations that received a greater level of funding as a result of the weighting factors.

Q9: What weighting values would best achieve these aims?

As above.

Section 4 - Payment Conditions

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?

Where allocations are based on forward looking estimates, the administration of the Statutory Payment Scheme becomes more complex than is necessary, as it is inevitable that a high level of monitoring for example of the proposed retention obligation would be required. The Guardian favours determining allocations of NBI revenue based on historical data, for example from the most recent financial year, to avoid this.

If eligibility is based on performance in the most recent financial year for an applicant media organisation, this would be able to be verified and would not subsequently need to be re-assessed or monitored.

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?

The retention clause would be problematic for the following reasons:

1. We are in an evolving media landscape so expecting organisations not to be able to restructure until the end of a reporting period is unreasonable.
2. Most staff leave an organisation for reasons that are not under the organisation’s control eg another job, health, retirement etc. It would be unreasonable that these roles would have to be immediately backfilled.

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

The Guardian does not support any penalties being imposed on organisations that are found to have mis-reported their eligibility or employment practices. There are no penalties imposed under the News Media Bargaining Code provisions of the Competition and Consumer Act 2010 (CCA) in relation to incorrect provision of information for registration under the Code and the same approach should be used for the Statutory Payment Scheme. Any misrepresentation in official documents would be covered by existing legislation.

Section 5 - Administration of the Scheme

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

The Guardian supports transparency to ensure the scheme’s public policy goals are met. We recommend a reporting framework that includes the **names of recipients** and **aggregated industry figures**, but we advise against publishing specific payment.

By reporting at an aggregate level, the government can demonstrate the scheme’s impact without disrupting the delicate relationship between news organisations and their supporters.

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?

This should be inline with the requirements for statutory financial reporting which is up to four months.

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

The thresholds and penalties for serious non-compliance are not specified in the consultation paper and therefore it is difficult to respond to this question.