



20 May 2026

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

By email: [REDACTED]
news.journalism@communications.gov.au

Dear Margaret and team

Nine thanks the Department for its engagement with industry on the revenue distribution mechanism for the News Bargaining Incentive (**NBI**).

This letter provides an overview of Nine's feedback on the proposed distribution mechanism. Acknowledging the strong timing imperative around NBI implementation, Nine has sought to provide this overview of its feedback as quickly as possible. Nine will provide further detail in a more fulsome submission which we will provide to the Department in the coming days.

Role of the Statutory Payment Scheme within the NBI framework

Nine strongly supports Government's initiative to introduce the NBI. It represents a significant step towards ensuring fair compensation for content produced by Australian news businesses and supporting the sustainability of local news production.

We also support the primary focus of the NBI being on incentives for digital platforms to enter into commercial arrangements with news businesses to provide fair remuneration. It is Nine's strong preference to have deals with digital platforms rather than relying on the Statutory Payment Scheme. Nine is actively pursuing deals with digital platforms, where the platforms are willing to engage in commercial negotiations.

However we recognise that the Statutory Payment Scheme is a necessary and important fallback mechanism for distributing funds, in circumstances where some platforms are not willing to engage with news businesses. Nine considers there to be high likelihood that at least some large platforms will simply elect to pay the charge instead of establishing commercial arrangements with news businesses, particularly if the NBI incentive remains at a low level. A clear and transparent Statutory Payment Scheme – which provides for a fair distribution of charges paid to the Government among Australian news businesses – is therefore critical to the effective operation of the NBI.

Overview of Nine feedback on the proposed distribution mechanism

1. Use of FTE journalist numbers as the basis for allocation

Nine considers that the allocation of funds should reflect the relative contribution of each eligible business to the production of Australian news content.

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Nine believes that an allocation based solely on journalist headcount will not properly capture the contribution of news businesses to the production and dissemination of quality news content. It fails to account for the significant investments made by news businesses to deliver high-quality news content to audiences. This goes beyond the employment of journalists and includes significant investments in technology and fixed assets.

For this reason, Nine considers that allocation should be based on the expenditure of each business attributable to the production and dissemination of news, not just the employment of journalists.

However, we recognise the tight timeframes for implementing the NBI and Statutory Payment Mechanism and the potentially limited scope for major changes to the distribution mechanism at this stage. We strongly support immediate implementation of the NBI and its application to the current financial year.

We have therefore focused our comments on the allocation mechanism that has been proposed by the Department – i.e. based on FTE journalist numbers.

We think it is important, however, that the allocation method be subject to review no later than two years after commencement of the NBI framework, to ensure that it remains fit for purpose and is not having unintended consequences.

2. Eligibility of organisations and journalists within those organisations

Nine agrees that the criteria for a news business to be eligible for distribution must be clear and objective. We support use of the existing ACMA register for this purpose.

Nine understands that once an organisation is eligible, all individuals within that organisation who meet the 'journalist' definition (discussed below) would count towards the allocation for that organisation. Nine supports this approach. Allocation should not require a granular assessment of the *type* of news content that each journalist within the organisation is responsible for producing.

3. Defining and determining the scope of eligible FTE journalists

Nine considers that the definition of a journalist, or alternatively the definition of journalism, needs to be broad enough to capture all individuals in roles that are genuinely contributing to the production of news content.

Equally as important, there needs to be clarity around which roles will be counted as 'journalist' roles and which will not be counted as such.

To promote certainty and transparency, Nine considers that the Australian Communications and Media Authority (**ACMA**) should be tasked with:

- administering the distribution method;
- working with media companies to determine the scope of the roles which will fall into the definition of "journalist" and "journalism"
- identifying which role types will be counted as eligible;
- as the administrator are tasked with reviewing and approving annual submissions of each news businesses regarding the number of eligible journalists they employ; and

- determining the allocation of NBI funds to each news business for each year based on their eligible FTE journalist numbers and other eligible journalism criteria.

A simple transparent methodology and process for ACMA to determine the timely allocation will promote confidence and certainty for news businesses. The legislation should in no way hamper ACMA's ability to consult and consider what roles and other expenditure should qualify under the terms "journalist" and "journalism."

4. Weighting

Nine does not support weighting of distributions. Nine considers that the allocation should be transparent and based on objective metrics. It should not be subject to potentially arbitrary and subjective weighting.

Nine understands that there are important policy objectives around diversity and support for regional areas. However these objectives should be pursued through other mechanisms outside the NBI – for example through the News Media Assistance Program (**News MAP**).

5. Conditions on distribution

Nine does not support any conditions on distribution as that may constrain the future operation of news businesses. Businesses such as Nine operate in a dynamic industry and are constantly adapting business models to reflect changes in technology and consumer preferences. Restrictive conditions could potentially hamper the ability of news businesses to innovate and adapt to changing industry dynamics.

The criteria around the distribution of funds must be strictly focused on the past year for which the relevant NBI charge was paid. For example, distribution of funds from NBI charges paid for FY26 should reflect each the relative contribution of each news business to the production of news content in FY26 – based on the relevant metric (ie FTE journalists) in FY26.

To address concerns that a media entity could game head count, the relevant FTE number should be adjusted to reflect the duration of time the relevant journalist was employed by the media company during the relevant financial year (eg. whether they are an employee employed for the full financial year, or part time, or casual, or where employment was for a part of that financial year, this should be adjusted on a pro-rata basis.

A model based on the previous financial year not only provides certainty for the media entity, it provides a clear incentive for media companies to retain journalists across the relevant year.

6. Reporting and audit requirements

The timeline for assessing and determining eligible distribution for media companies to receive needs to be done on a timely and expedited manner.

In reporting to ACMA, news businesses should never be required to provide personal identifying information of employees. A collated outline of roles/titles, supported by a Statutory Declaration from an authorised officer of the registered organisation, should be sufficient for ACMA's purposes.



Nine recognises that there may need to be powers for ACMA to conduct audits of news businesses' submissions, to maintain the integrity of the scheme. However full audits should be either random or limited to where ACMA has an evidence-based suspicion of non-compliance.

7. Transparency

Nine recognises the importance of transparency around the process for distribution of NBI funds. However, given acute commercial and political sensitivities, granular, company-specific data or comparative "league tables" must not be published.

To protect commercial risks, the public register should only display aggregated data, which could include: an alphabetical list of entities that received funds for the relevant financial year, the total collective number of eligible journalists (total across all organisations), the total amount of funds collected through the NBI charge the total collective pool distributed.

Nine is happy to provide more detail on the above points if that would assist the Department in this process.