

Submission to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts

News Bargaining Incentive — Consultation on Revenue Distribution

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Introduction

RUSSH Media Pty Ltd welcomes the opportunity to respond to the consultation on the proposed Statutory Payment Scheme under the News Bargaining Incentive (NBI).

RUSSH strongly supports the Government's objective of ensuring the sustainability of Australian journalism and public interest media. However, we are concerned that the proposed distribution model, in its current form, risks unintentionally excluding or disadvantaging many independent publishers that make significant contributions to Australia's media, cultural and creative sectors.

As one of Australia's leading independent arts and culture publications, RUSSH has spent more than 22 years investing in Australian journalism, creative industries, and multidisciplinary storytelling. Despite operating with a relatively lean team, we produce substantial volumes of editorial content daily across written journalism, video, photography, social distribution, live broadcasting and digital publishing.

Independent publishers are often among the most innovative and resource-efficient contributors to Australia's media landscape. However, many aspects of the proposed framework appear designed around legacy newsroom structures and operational models that do not reflect the realities of modern publishing.

We are particularly concerned that:

- ACMA registration may become a practical barrier to participation for smaller publishers;
- the proposed Full-Time Equivalent (FTE) journalist model undervalues modern editorial and multidisciplinary roles;

- the allocation model risks disproportionately rewarding scale rather than meaningful public contribution;
- and the proposed administrative and reporting obligations may place heavier burdens on smaller independent businesses than larger incumbent organisations.

We believe these issues can be addressed constructively through targeted adjustments to eligibility pathways, role definitions, weighting mechanisms, and reporting expectations.

Responses to Consultation Questions

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

Yes.

While we understand the need for clear eligibility standards and administrative oversight, we are concerned that requiring ACMA registration as the sole pathway to participation risks excluding many legitimate independent publishers.

The ACMA registration process can be complex and resource-intensive, particularly for smaller businesses operating without dedicated legal, policy or compliance teams. Independent publishers often operate with lean staffing structures where editorial, operational and strategic responsibilities overlap significantly.

RUSSH is currently progressing through the ACMA registration process. However, many smaller independent publishers contributing meaningfully to Australian journalism and cultural discourse may not have the resources or administrative capacity to do so.

We recommend that ACMA registration be recognised as sufficient evidence of eligibility, but not the only pathway.

Alternative pathways should exist for “Qualified Independent News Businesses” that can demonstrate:

- ongoing production of core news or public interest journalism;
- professional editorial standards;
- Australian audience service;
- and operational/editorial independence.

Without alternative pathways, there is a significant risk that the distribution scheme will disproportionately favour larger incumbents with greater compliance resources, undermining the broader policy objective of supporting media diversity.

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.

RUSSH expects to meet the criteria and is currently progressing through the ACMA registration process.

However, the process itself presents a substantial administrative burden for smaller independent publishers. While large media organisations may have dedicated legal and compliance resources, independent publishers often manage these requirements internally alongside daily editorial operations.

The challenge is not necessarily whether organisations are legitimate publishers, but whether they have the administrative capacity to navigate complex registration processes.

This distinction is important.

The current framework risks excluding smaller independent organisations not because they fail to contribute meaningfully to Australian journalism, but because they lack institutional scale.

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?

Not entirely.

The current framework appears heavily influenced by traditional newsroom structures and definitions of journalism that do not fully reflect how modern audiences consume news and public interest content.

Modern journalism is inherently multidisciplinary.

Many audiences — particularly younger audiences — no longer engage primarily with written print-style journalism. They consume news and cultural reporting through video, livestreams, social media distribution, photography, multimedia storytelling and hybrid digital formats.

For example, RUSSH recently collaborated with the First Nations Fashion + Design initiative to provide mentorship, livestream production, video storytelling and editorial amplification. The social and cultural impact of this work extended significantly beyond what could have been achieved through a traditional written article alone.

This type of work contributes meaningfully to:

- public discourse,
- cultural visibility,
- community engagement,
- and representation.

Yet many of the roles involved in producing and distributing this journalism may not qualify under the current framework.

The legislation should recognise that journalism today is not defined solely by written reporting. It is defined by the production, verification, contextualisation and dissemination of information and stories in formats audiences actually consume.

We are also concerned that the current structure risks rewarding scale over contribution.

Large organisations producing high volumes of low-value or entertainment-focused content may receive substantially more funding simply due to headcount size, while smaller independent publishers producing meaningful cultural and public interest journalism receive comparatively little support.

The scheme should aim to preserve diversity, innovation and plurality across the Australian media ecosystem — not simply reinforce existing market concentration.

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

Yes.

The proposed framework introduces potentially significant administrative obligations for smaller independent publishers, including:

- registration requirements;
- evidentiary documentation;
- reporting obligations;
- staffing verification;
- and compliance monitoring.

These burdens are likely to be felt disproportionately by smaller organisations operating with lean teams.

Independent publishers often rely on hybrid operational structures where employees perform multiple editorial, strategic, technical and operational functions simultaneously.

For example, many staff at RUSSH work across editorial production, audience development, SEO, product development, social distribution, commercial strategy and operational management concurrently.

The proposed framework appears designed around larger, compartmentalised newsroom models that may not reflect the realities of modern independent publishing businesses.

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

Not on its own.

While FTE journalists may provide a relatively simple administrative metric, it is not necessarily an accurate representation of actual journalistic output, public contribution, or newsroom impact.

Independent publishers frequently operate far more efficiently than larger organisations. Smaller editorial teams often produce substantial volumes of content daily while operating across multiple formats and platforms.

At RUSSH, team members regularly produce several stories per day in addition to video production, social dissemination, audience engagement and multimedia editorial work.

By contrast, larger organisations with significantly larger staffing structures may produce comparatively lower-value or repetitive content while still benefiting disproportionately under a pure FTE model.

The proposed approach risks rewarding organisational scale rather than meaningful public contribution.

We recommend that the Government consider:

- broader definitions of eligible editorial contribution;
- weighting mechanisms that account for organisational size and efficiency;
- and recognition of multidisciplinary journalism roles.

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

No.

The identified roles do not adequately reflect modern editorial operations.

The proposed exclusions appear particularly problematic for independent digital publishers where editorial production and audience distribution are deeply interconnected.

For example:

- Should a social media editor be excluded if their primary role is distributing journalism and public interest content to audiences?
- Should audience editors, video producers or multimedia storytellers be excluded if they are essential to how audiences now consume news?

In many cases, these roles are directly responsible for ensuring journalism reaches the public at all.

Similarly, hybrid editorial roles are common within independent publishing businesses. Employees frequently operate across:

- journalism;
- audience strategy;
- SEO;
- video production;
- product development;
- analytics;
- and editorial operations.

These functions should not be automatically excluded simply because they do not fit within traditional newsroom categories.

We recommend broadening eligible roles to include:

- audience and distribution editors;
- social media editors;
- multimedia producers;
- digital content strategists;
- video journalists;
- livestream producers;
- Editors-in-Chief;
- and hybrid editorial-production roles directly involved in the dissemination of public interest journalism.

Ignoring these roles risks creating a framework that is already outdated relative to how journalism functions in practice.

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?

Yes.

The proposed evidentiary requirements may create disproportionate compliance burdens for smaller organisations with limited administrative capacity.

Independent publishers generally support accountability and transparency. However, evidentiary requirements should be proportionate and practical.

There is also a risk that highly prescriptive role definitions may disadvantage modern editorial structures where responsibilities overlap significantly.

For example:

- a journalist may also manage audience strategy;
- a producer may also edit written content;
- or a social editor may also produce original reporting.

The framework should recognise that modern publishing businesses are often operationally integrated rather than siloed.

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?

Yes, broadly.

We strongly support:

- small business weightings;
- support for marginalised communities;
- and regional journalism support.

However, these weightings will only be effective if they are meaningful enough to offset the structural advantages already held by large incumbent media organisations.

Without sufficiently strong weighting mechanisms, the scheme risks simply directing the majority of funding toward organisations with the largest staffing footprints.

We particularly support weighting for organisations serving underrepresented communities and cultural sectors.

Arts and culture journalism plays a vital role in:

- social cohesion;

- cultural identity;
- community participation;
- and representation.

Yet these areas remain chronically underfunded despite their substantial social and economic importance.

Q9: What weighting values would best achieve these aims?

Weightings for independent and small publishers should be material enough to meaningfully counterbalance economies of scale.

We do not propose a specific percentage value, but believe the weighting must be substantial enough to:

- support diversity of media ownership;
- avoid concentration effects;
- and ensure independent publishers remain viable participants within the media ecosystem.

Without meaningful weighting support, the formula-based model may unintentionally reinforce existing market dominance.

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?

Broadly, yes.

However, flexibility is essential.

Independent publishers often operate in highly dynamic commercial environments with variable freelance, contract and project-based staffing structures.

Rigid staffing retention requirements may unintentionally disadvantage smaller publishers that do not operate with the same staffing stability as major corporations.

A principles-based approach with reasonable tolerance thresholds would be preferable.

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?

Yes.

The framework should recognise that:

- independent publishers frequently operate with mixed employment models;
- staffing may fluctuate seasonally or project-to-project;
- and smaller businesses are more vulnerable to broader economic conditions.

Strict retention thresholds without flexibility may unintentionally penalise the very organisations the scheme is intended to support.

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

Penalties should be proportionate, transparent and distinguish between:

- deliberate misconduct;
- and genuine administrative error.

Smaller publishers operating without large compliance teams should not face excessive punitive consequences for minor reporting mistakes made in good faith.

Intentional fraud or deliberate misrepresentation should of course attract stronger penalties.

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

Broadly, no.

However, reporting requirements should remain proportionate to organisational scale.

Independent publishers already operate under significant resource constraints, and excessive reporting obligations may divert time and funding away from journalism production itself.

The administrative burden of compliance should not undermine the policy objective of supporting sustainable journalism.

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?

Reasonable lead-in periods will be essential, particularly for smaller organisations without dedicated compliance teams.

We also encourage careful consideration around commercially sensitive disclosures, particularly for independent businesses operating in highly competitive markets.

Transparency is important, but disclosure requirements should not unintentionally expose sensitive operational or commercial information that could disadvantage smaller publishers.

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

Penalties should be scaled proportionately according to organisational size and severity of conduct.

The framework should avoid creating compliance environments that smaller independent publishers perceive as overly risky or administratively prohibitive.

The success of the scheme depends on broad participation across the media ecosystem, including smaller independent organisations.

Conclusion

RUSSH strongly supports the Government's objective of supporting sustainable Australian journalism and public interest media through the News Bargaining Incentive framework.

However, we are concerned that the proposed distribution model may unintentionally disadvantage the very independent publishers that contribute significantly to Australia's cultural, creative and journalistic diversity.

Modern journalism is no longer confined to traditional newsroom structures or written reporting formats. Independent publishers today operate across multidisciplinary platforms and formats that are essential to reaching contemporary audiences and sustaining public discourse.

If the framework is too narrowly designed around legacy operational models, there is a serious risk that:

- independent publishers will remain excluded,
- media concentration will deepen,
- and innovative forms of journalism will be undervalued.

We encourage the Government to ensure the final model:

- supports genuine media diversity;
- recognises multidisciplinary journalism;
- reduces unnecessary barriers to participation;

- and creates meaningful pathways for independent publishers to sustainably contribute to Australia's media future.

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