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Submission to the News Bargaining Incentive Consultation on Revenue Distribution

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Response to Consultation Paper questions

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

- **The proposed process benefits from an established process, but additional effort should be invested in ensuring that smaller, newer or independent providers are encouraged to apply.**

This scheme utilises an existing database and that should facilitate inclusion for established media entities. However, the initial scheme already faced criticism (Bossio & Barnett, 2023; Meese et al., 2026) for the dearth of smaller independent and newer news providers and there does not appear to be a proposal here to encourage these groups to apply for eligibility.

This is doubly important because the distinct cases of media operators that could have been omitted include narrow regional organisations (Attard et al., 2024), specialised online news providers, or other developing and innovative providers who could provide important tests of the eligibility criteria to ensure they are effective and appropriate. A limited investment in increasing communication to newer or diverse news providers that specifically fall outside of established media could help attend to both of these issues.

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.

Not applicable.

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 proposed criteria give comprehensible guidelines but are oriented toward larger or established news providers, potentially limiting support for emerging providers and underserved forms of public interest news production. They also lack precision in key areas.

- **Revenue thresholds may unintentionally exclude newer and emerging public interest news providers.**

The revenue test, for instance, precludes from eligibility newer entrants who do not yet meet the requirement but are simultaneously the most needing of financial support. Further, smaller and independent news producers can be as small as individual freelance journalists producing news content for their subscribers – sometimes proposed as a remedy for under-served regional communities (Rodríguez-Urra et al., 2026) – but would struggle to meet this criteria. A part of the

current news media challenge facing Australia is no longer just struggling media operators but a large and increasing number of providers that have been closed down completely or purchased by a larger media organisation, with their content no longer presenting relevant local news (Attard et al., 2024; Koskie, 2023). As this support cannot ameliorate that problem, newer entrants will be required to fill the gap. Instead, the revenue requirement means that support will go exclusively to organisations that are already achieving substantive revenue.

The minimum of \$150,000 is presumably to ensure that businesses meet the mandatory NFP floor for GST registration. However, this limits the potential of the scheme to encourage news startups. Reducing this limit down to \$75,000, which is the minimum for commercial businesses, may reduce this burden and encourage new entrants.

- **The definition of “core news content” does not clearly articulate what constitutes quality public interest journalism, hampering its ability to achieve the desired outcome**

While the core news test exists to ensure that only news content relevant to public interest news is supported and explicitly excludes sports and entertainment, there is no mention in the tests of how a conception of public interest news is covered by the limited description of core news content. It does not divorce commentary through columnists and pundits from breaking news content, nor does it ensure gaps, like local and community reporting and diverse language reporting, are being filled. The Local Democracy Reporting Service setup by the BBC (2026) was able to clarify in some detail exactly what kinds of content was being cultivated through the scheme and that is an underpinning of its considerable success – it was later replicated in New Zealand and emulated to some extent in Canada and elsewhere (Koskie & Wilding, 2026). Defining public interest journalism in substantive terms is politically contentious, but international examples demonstrate that greater specificity is both possible and beneficial for targeted news support schemes.

Among the most concerning components of the tests is that there is a stated goal to pursue quality but quality is mentioned in no part of the tests apart from the goal to achieve it. The government has frequently stated a desire to cultivate and support quality journalism, but lacking a definition or set of standards makes this an untenable goal (Giotis et al., 2023). While components like editorial independence and professional standards can support quality, limiting the requirement to affirming a commitment to standards and independence does not afford this opportunity if the standards also lack a commitment to quality – and what that quality would entail.

- **Professional standards and editorial independence requirements focus on the existence of standards and processes rather than effective accountability mechanisms.**

Professional standards and editorial independence require the existence of standards and complaints processes, but does not require timely, effective, or independent accountability. While the existence of a charter or similar set of standards can help to guide behaviour within news organisations, their effectiveness is diminished where there is no mechanism of accountability for those standards. Wilding and Molitorisz (2022) note that even where concerns are filed with oversight groups like the

APC, redress is limited and greatly delayed. Further, it is unclear how identifiable and increasing political polarisation presenting through even mainstream media institutions (Esau et al., 2025) can be divorced from politically active and highly concentrated media owners and there is limited discussion of how that can be ensured through documentation, particularly absent a mechanism for accountability for when transgressions occur.

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

Not applicable.

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

- **The use of FTE journalists as a basis for determining aid is appropriate provided the weightings account for the different institutional settings where this labour is performed.**

There will need to be clarification about FTE journalistic work entails and how positions are determined to be fulfilling it. Different institutional settings will be handling this labour in distinct ways and journalistic staff in smaller and regional news organisations often have to take on multiple roles (Attard et al., 2024), making their staff eligible for less funding despite their provision to more underserved areas. Weightings offer a mechanism to overcome this divide (see Q8 and Q9).

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

- **There is a solid basis for using full-time journalists as a guide for the distribution of funds.**

An effective media system relies on the capacity of news media labour to sufficiently cover relevant public interest news as need arises (Flew, 2026), not on any individual news item or news organisation. This adds to the argument that focusing on editorial roles, with a specific emphasis on investigation and production, can ensure that FTE journalist roles are capturing the necessary labours to support a health information ecosystem. The two-part approach in the scheme – requiring evidence of employment and evidence of the nature of the role – can help ensure that these specific labours are being supported by the scheme.

- **There could be additional clarity about what labour is included and how this is identified in practice.**

However, a common response to current challenges for media market models is to cut journalistic staff, which constrains remaining journalists' ability to perform core journalistic functions related to information gathering and analysis (James-Garrod, 2023). Given that many of the roles used as the bases for these applications are only going to be claiming part of FTE journalist workloads, it will be

important to make clear how these separations will work in practice and how portions are allocated. Notionally, measuring content produced by these roles helps in this regard and is a good indicator for monitoring the success of the scheme, but varying pressure to produce content at speed particularly with new AI-driven tools (Schapals & Porlezza, 2026) makes this an unreliable indicator of workload, particularly in regards to investigation. Statutory declarations could provide some remedy for this, but so could formalised organisational commitments to division of labour. Clarifying these requirements could not only ensure that these labours remain a focus but also help organisations provide effective reporting.

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?

Not applicable.

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?

- **The proposed weighting categories are conceptually appropriate but their simplicity could undermine the scheme's contribution to pluralistic media, specifically in areas and for communities facing the greatest deficits.**

The proposed weighting categories are reasonable and they align with the scheme's broader objectives. However, they are also relatively simplistic indicators of informational need and media diversity, and that simplicity could undermine intended outcomes. Regional location, organisational size, and service to marginalised communities can all correlate with public interest journalism deficits, but they do not necessarily demonstrate that an organisation is fulfilling public interest journalism needs. For instance, a regional weighting may advantage organisations operating in regional markets even where those markets already possess comparatively strong local media coverage while providing only minimal support to communities experiencing acute news deprivation or "news desert" (Rodríguez-Urra et al., 2026) conditions. Weighting for marginalised or underrepresented communities is appropriate in principle, but effective and representative media diversity requires not only serving news to the community but also from the community – ideally while employing members of that community (Martin & Koskie, 2024).

- **Some public interest journalism deficits are minimum-capacity problems that may require more targeted support.**

The weighting model posits that the problems these groups face can be corrected through proportional adjustments to a broader FTE-based allocation. However, some public interest news deficits are minimum-capacity problems rather than a product of proportional disadvantage – there

are not any news providers gathering or distributing the news for some communities (Koskie, 2023). In that context, relatively small weighting increases will do little to re-establish or sustain reporting capacity where it does not already exist. A solution to this could be to include a weighting that benefits newsrooms in under resourced areas. The model could use the ACMA's currently monitoring efforts for the 5/4 diversity rule as a basis for this calculation. Areas with limited voices might receive more funding.

Furthermore, the costs associated with starting a news media business remain high. While many existing newsrooms could access these funds, adjustments that benefit new entrants would recognise the significant barriers to entry in a market that typically favours established incumbents. In response to question 8, we propose adjusting the weighting of funding distribution to benefit small ownership groups, independent newsrooms, and companies under five years old. This would provide economic durability to small firms and incentivise new market participants.

Q9: What weighting values would best achieve these aims?

- **Weightings should prioritise areas facing severe local news deficits or limited effective media diversity alongside barriers to entry such as limited potential markets.**

Existing ACMA monitoring relating to media diversity and concentration may provide one basis for identifying such areas. Additional weighting could also be considered for smaller independent ownership groups and emerging news organisations, including businesses registered for GST for fewer than five years. This may help offset significant barriers to market entry and improve the long-term sustainability and diversity of the Australian news sector. However, weightings such as those listed in the example provided, which applied a 10% adjustment despite relevance to multiple areas of concern, would be unlikely to make a substantive impact. Not only would this provide limited remedy for challenging circumstances, it would also reduce the incentive to attend to these concerns. Weighting adjustments in the range of 25-50% may be more capable of producing meaningful behavioural and financial effects.

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?

- **Employee retention obligations are appropriate in principle, but alternatives could accommodate changing newsroom structures and newer forms of journalistic labour.**

Where FTE journalism is used as a metric for determining support, then it could be maintained as a minimum commitment for participating in the scheme. However, given that FTE journalism employment alone may not be a sufficient metric, it could be advisable to focus on the intended outcome – the sustained production of relevant and high-quality public interest content. This incentivises a focus on creating the relevant content rather than maintaining static staffing and also

offers scope that innovative approaches could be undertaken to yield these results. Indeed, in some areas, having elastic staffing could be preferable. Having a more flexible approach to retention might better accommodate freelance journalists working in regional areas or outlets who work on niche topics and have less frequent publication schedules than daily or weekly newspapers.

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?

- **Many news organisations are in structurally unstable and transitional operating conditions, and the scheme will need to accommodate their need for change.**

The impetus for the News Bargaining Incentive and for this scheme, as well as many recent news media support schemes (Murschetz, 2020), is the conditions of market failure among commercial media. Substantially, this means that the current way that news providers operate is not sustainable, and many are taking on stop-gap measures to try and shore up finances in the short to medium term with limited opportunities to position themselves for a longer-term and sustainable model (Park et al., 2026). However, it is unclear that this scheme is intended to provide enduring support, in which case the news organisations supported by the scheme will need to change their models and systems to find a pathway towards sustainability.

Maintaining a focus on the intended purpose is crucial for the scheme to yield the broad reaching public interest news Australian communities need. Consequently, an obligation to retain that focus is reasonable and necessary. The challenge arises, however, that the scheme should implicitly make room for dynamism in how the results are achieved, and that is going to mean changing not only staff but likely how work is distributed among the staff. Particularly with the rapid introduction of AI tools into journalistic work practices (Schapals & Porlezza, 2026), news organisations could be facing a period of particularly rapid transition, and the scheme needs to accommodate that in ways that does not inhibit effective and important changes.

- **Tolerance thresholds should support innovation and organisational adaptation while still preventing changes that undermine the scheme's public interest purpose.**

The scheme should not only allow for these changes but also encourage them. Part of this would be making the tolerance thresholds extensible through the reporting process. This is distinct from simply making tolerance thresholds particularly large; rather, news organisations can put forward a case as to why changes are made and how these changes reflect a sustained commitment to the overall scheme requirements. This also would not affect time periods – such changes should be reported in advance or in process to adhere with reporting requirements. Subsequently adjusting scheme guidelines to reflect this innovation could offer a way to incentivise and spread effective changes to other providers. However, this tolerance will need to be contingent on maintaining proper reporting and updating information as changes occur.

Conversely, where organisations have reduced capacity as a cost-savings measure or otherwise made changes that undermine the purpose of the scheme, tolerance and timing should be strictly limited so funds can be redistributed to eligible organisations as well as to incentivise adherence.

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

- **Penalty frameworks should distinguish intentional misrepresentation from operational ambiguity and definitional uncertainty.**

There are already laws covering fraudulent applications for government support systems, and these should be applied in cases where applicants are claiming eligibility where no substantive claim of eligibility exists, i.e. the applicant is knowingly not a provider of news content or otherwise has no basis for inclusion in the scheme but claims otherwise.

However, care should be taken where there is a disjunction or incompatibility between the definitions within the scheme and the organisations' staffing and operation models. This is especially challenging with the term of "FTE journalist" when it comes to smaller firms, where all staff are more likely to engage with a wider variety of work in their roles as a point of necessity (Attard et al., 2024). This also applies to the loose definitions of core news content. While the NMBC which is being used as the basis of this scheme explicitly includes newer online providers, core news content does not necessarily or conveniently extend to the wide variety of content types they may provide or that audiences consume (Peters et al., 2022). These incompatibilities are unlikely to constitute deliberate fraud or intentional misrepresentation, and they are potentially a desired inclusion for funding through the scheme. Consequently, they can be handled through the reporting processes described under Q15.

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

- **Extensive reporting requirements may disproportionately burden smaller and independent news providers.**

Such reports are a common feature in many but not all direct news support schemes internationally (Koskie & Wilding, 2026), with an alternative being audits rather than or in addition to reports. There is a significant risk, however, that this once again disadvantages smaller providers depending on the format and demands of the report. Smaller providers can often have limited staff allocations and potentially no staff specifically tasked with or trained in meeting complex, large, and sustained administrative reporting (Attard et al., 2024), while larger organisations, who will ostensibly file the same documentation, will both be receiving more support and already have this staff on hand. Coupled with slated penalties for non-compliance – which could potentially be down to applicant errors owing to a lack of appropriately trained staff – this could constitute an onerous and even

existentially stressful burden. However, incorporating this reporting into existing administrative documentation, such as tax filing, or creating a highly streamlined and standardised reporting system could lessen some of this burden.

- **A hybrid system combining minimal reporting with targeted audits may provide a more proportionate accountability framework.**

By contrast, randomised audits employed by other nations' support schemes (Koskie & Wilding, 2026, p. 117) offer an alternative to regular reporting that could reduce administrative burden across the board while maintaining pressure to adhere to the scheme's requirements. Scheme participants will need to maintain their records but only randomly selected participants would need to undergo an audit, with larger beneficiaries facing a proportionally higher potential of selection. This would add implementation costs to the scheme, but the auditor would also be positioned to facilitate compliance processes, reducing the disproportionate burden for smaller providers. A mixture of these approaches could be especially beneficial – maintaining consistent but minimal reporting alongside randomised audits – as the reporting requirements could facilitate the auditing while the threat of audit ensures adherence to the reporting requirements.

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?

Not applicable.

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

- **Deliberate fraud and intentional abuse of the scheme should remain subject to existing legal and criminal penalties.**

There is limited information on how this scheme will determine and enforce penalties, but those present in the original included removal from the scheme and pecuniary penalties, with imprisonment possible under existing criminal law, but not as a scheme-specific sanction. The most serious penalties are grounded in existing legal frameworks for preventing fraud and abuse of government support systems, and it is not likely within the scope or interests of this scheme to prevent the standard application of these laws where such a criminal offense has occurred. These cases could include, for instance, providers who have ceased operations but continue to receive payment.

- **Administrative or operational non-compliance should prioritise remediation and proportional enforcement before removal from the scheme is considered.**

Where infractions instead constitute a violation of the scheme’s guidelines – such as a change to staffing or changes to news production that is not reported in a timely fashion but does not impact on overall eligibility for the scheme – a different approach is advisable. Subsidies such as these can become lifelines for recipients and removal from the scheme can be an impactful and existential challenge (Murschetz, 2020) for the same recipients that face higher administrative burdens in meeting reporting requirements. Consequently, any potential infractions could instead be identified through reports or audits to be immediately flagged as a violation that, if uncorrected, can lead to removal from the scheme. However, this removal would only occur after an opportunity for rectification or adjustment has been offered. Through this, participants can either address the source of the violation and implement a plan of action that prevents future violations or can make adjustments to their funding requests to reflect organisational changes. Additional or repeated infractions can then result in removal from the scheme. This should prevent the threat of penalties from dissuading needed providers from accessing the scheme’s benefits.

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