



News Bargaining Incentive

News Media Bargaining (Administration) Bill 2026

News Media Bargaining Charge Bill 2026

Treasury Laws Amendment (News Media Bargaining) (Consequential) Bill 2026

May 2026

Submission by the Local & Independent News Association (LINIA)

to the Australian Treasury

Introduction

The Local and Independent News Association (LINA) welcomes the opportunity to comment on the exposure draft of proposed legislation for the News Bargaining Incentive.

LINA is an industry association representing 107 news organisations operating 180 newsrooms in all states and territories of Australia. LINA and its members share the government's goal of informed communities, social cohesion and sustainable public interest journalism production.

LINA welcomes the News Bargaining Incentive as a necessary government intervention to address market power imbalance, and supports the structure of the Incentive as a whole. Further, LINA supports the Incentive as an action by the government to ensure that the code is reinforced in a way that cannot be circumvented by digital platforms withdrawing news content.

However, LINA is concerned that as drafted, the News Bargaining Incentive could have market-distorting effects that particularly impact independent publishers. The Incentive risks entrenching media concentration in Australia, already one of the most concentrated media markets in the world. Anti-competitive measures would disadvantage new players entering the market, making news deserts permanent and giving digital platforms undue influence in Australia's democracy.

These risks could be mitigated with non-substantive changes to the proposed legislation in the drafting process, outlined in this submission. These changes would align the policy more closely with the News Media Assistance Program (News MAP) framework¹, but would not impact the structure of the Incentive nor the quantum of the obligations required of digital platforms.

As the legislation is currently drafted, LINA notes that around one-third of its members are ineligible to participate in the News Bargaining Incentive by revenue-test, a further approximate one-third is ineligible due to capacity constraints, leaving approximately one-third of LINA member publishers likely beneficiaries from the Incentive. As a support-based organisation, LINA intends to assist its members to engage with bargaining processes under the Code to the extent that our resourcing and the capacity of our member publishers allows. This submission seeks a pathway to participation for a broad range of news providers, enabling increased media diversity and strengthening public interest journalism.

LINA has separately made a submission to the Department of Infrastructure, Transport, Regional Development, Communications, Sports and the Arts consultation on the News Bargaining Incentive Statutory Payment Scheme.

This submission is made on behalf of LINA's membership following consultation and broad discussion of priority issues and barriers. Some members may make individual submissions in which case the LINA submission should not be taken to supersede those submissions.

¹Australian Government. 2024. News Media Assistance Program: Government's role in news and journalism. <https://www.infrastructure.gov.au/sites/default/files/documents/news-media-assistance-program-governments-role-in-news-and-journalism-december2024.pdf>

Summary of key recommendations

The submission proposes the following amendments to the News Bargaining Incentive:

1. Require at least 25% of eligible expenditure apply to small and medium business entities;
2. Increase the offset rate for small and medium business entities to +200%;
3. Remove the \$150k revenue threshold for engagement with the News Media Bargaining Code; and
4. Remove exclusions of LLMs and business/professional networking from search and social media service definitions.

Policy context

The News MAP framework outlined a “principles-based and evidence informed framework” which explained the role of the Australian Government and aimed “to ensure that future policy interventions for news and journalism are developed to address clear policy objectives”.

The framework states, “government intervention in journalism carries inherent risks of compromising press freedom and editorial independence, as well as market distortion, which would threaten the benefits provided by news and journalism” that are “fundamental to Australia’s democracy, civic society, and community wellbeing”. However, “inaction is no longer a viable option” when it comes to protecting the role of journalism in news in Australian society.

The News Bargaining Incentive is one such intervention by government, and an attempt to restore the commercial activity that was enabled by the News Media Bargaining Code. From this origin it inherits a focus on the shift of digital advertising revenue from publishers to platforms as the justification for intervention. It attempts to address a significant power imbalance between multinational digital platforms and Australian-based news publishers.

In principle, LINA commends the government’s actions to create a license-to-operate in Australia for digital platforms through this legislation. Digital platforms have caused significant disruption to the information ecosystem globally and domestically and a small share of profits made from the Australian market as a contribution to addressing that disruption seems appropriate.

Since the introduction of the News Media Bargaining Code in 2021, platforms have engaged with the Code to varying degrees, and more recently not-at-all. Meanwhile, the range of digital platforms consumers are engaging with has continued to shift. The News Bargaining Incentive, as a measure to bring digital platforms to the bargaining table, is a welcome addition to hold digital platforms to their obligations and to ensure the Incentive reflects its intent across all platforms. The supports the decoupling of distributing news content from platform eligibility to avoid the de-platforming of news content as an unintended consequence and to acknowledge the need for a social license to operate in Australia for large platforms.

While supporting the Incentive overall, LINA is concerned that it may work against some of the objectives of the News MAP framework. The Exposure Draft legislation risks unintended consequences, including concentrating media ownership and market power with large media companies to the disadvantage of small and independent publishers.

LINA supports attempts to address power imbalances between digital platforms and the media sector, but not where they exacerbate those that also exist between a few large media companies and everybody else in the market.

By making the changes outlined within this submission, the government can also meet the recommendations of the following inquiries:

- The Joint Select Committee on Social Media and Australian Society recommended that the Code registration tests be revisited to ensure it did not present barriers for small, independent or digital only publishers.²
- The Select Committee on Information Integrity on Climate Change and Energy recommended that the Australian Government “continue to provide funding support for regional and independent media outlets”.³

Response to the exposure draft legislation

Eligible expenditure

The explanatory materials describe a process by which expenditure under commercial agreements (1.57-1.60) or arbitrated agreements (1.62-1.67) should be assessed as eligible for offsetting the News Media Bargaining Charge.

The second part of this assessment states that eligible expenditure must be, either directly or indirectly, for the production of covered news content, or for making available covered news content on a significant social media or search service provided or produced by the service group.

LINA is supportive of the approach that eligible expenditure should be directly or indirectly tied to the production of covered news content. The News Bargaining Incentive is a significant opportunity to sustain and increase professional news production, and directly linking this to eligibility for the offset is a strong indicator to both parties in a commercial negotiation of this expectation.

With this said, it is essential that media companies are able to maintain their editorial independence from platforms. There is a risk that significant funding for news production will carry expectations about the content of that reporting. In a study of negotiations under the News Media Bargaining Code some news executives reflected that platforms inserted termination clauses into deals in the event of further regulatory action, and that this created a pressure for news businesses to actively oppose platform designation in order to preserve their own deals.⁴ LINA recommends that an explicit statement affirming editorial independence be included in the eligibility requirements. This could be similar to the operational independence statement included in 1.60.

Some large digital platforms have cultivated reliance on their platforms from news organisations by offering free training opportunities and digital tools. These organisations have subsequently invested time and resources into understanding and developing strategies for using the platforms’ tools, only to have costs later introduced or opaque algorithms and services changed without notice. While many of these tools are beneficial to newsrooms and help publishers reach audiences, they also serve platforms with a new client base. LINA supports the exclusion of customer acquisition expenditure from the News Bargaining Incentive.

² Australian Senate. 2024. Social media: the good, the bad, and the ugly - final report.

³ Australian Senate. 2026. The integrity gap: restoring trust in the climate and energy debate.

⁴ Bossio D., Carson A. and Meese J. 2025. A different playbook for the same outcome? Examining Google’s and Meta’s strategic responses to Australia’s News Media Bargaining Code. *New Media & Society*. 27(7): 3890-3910.

However, LINA supports the inclusion of direct-funding activities between the news media industry and digital platforms as eligible expenditure. For example, should a platform want to resource a fund similar to [Press Forward](#), or invest in capacity building for eligible newsrooms with a direct monetary investment in participating news organisations, that type of expenditure should contribute to their offset calculation as it has direct financial impact for news organisations.

A program like the Meta Australian News Fund, through which Meta distributed funding to news organisations through a competitive grants process administered by the Walkley Foundation, would seem to be ineligible expenditure as the agreement is not with a news operator. Intermediary funding distributors, such as the Walkley Foundation in Australia or Press Forward in the US, provide effective means of digital platforms providing support to news organisations at arm's length and with appropriate governance mechanisms in place for funding distribution. This type of funding can also be more cost- and time-effective for both digital platforms and small and medium news organisations than engaging in commercial bargaining, and legislation should be updated to ensure eligibility.

Meaning of news business corporate group

The explanatory materials state that eligible expenditure can be incurred through a commercial or arbitrated agreement with a news business corporate group. The definition of a news business corporate group is a group consisting of an operator of a news business and any entity connected with or an affiliate of the news operator (1.71).

This approach precludes the possibility that eligible expenditure could be incurred through an agreement with an intermediary organisation between the social media or search service and a news operator, even where that agreement supports the production or availability of covered news content. LINA recommends that the legislation be amended to allow for eligible expenditure to be incurred with non-news business corporate groups where that expenditure still meets the policy goal of supporting news production or availability, as per the example provided in the previous section.

Eligible news businesses

The legislation adopts the same registration process for determining eligible news businesses as was designed for the News Media Bargaining Code (1.73-1.75), including a revenue threshold of \$150,000.

LINA recognises the need for an eligibility gateway to restrict participation in the News Bargaining Incentive and associated revenue distribution to legitimate news businesses. LINA supports the proposed eligibility tests relating to content, professional standards (including those in our recommendations), editorial independence, Australian audiences and connection. LINA agrees with the principle of aligning the distribution of funds with public interest journalism. However, we do not agree with the revenue test requiring a revenue threshold of \$150,000.

LINA has consistently submitted that this threshold excludes the many emerging and small news organisations which produce high-quality public interest journalism on very small budgets. It is essential that the News Bargaining Incentive not have anticompetitive outcomes by becoming a barrier to entry that prevents new businesses entering the market.

All LINA member news organisations uphold strong editorial standards and produce public interest journalism, yet 35 per cent of LINA's membership operate on revenue of less than \$150,000 per annum. The conflating of 'professional' news services with income level doesn't make sense in the context of serving communities with accurate, reliable and relevant news information. LINA

recommends the income test be removed in favour of a greater focus on editorial functions and journalistic processes that support the professional production of public interest journalism.

The News Media Bargaining Code also contains a ‘professional standards test’ as part of the eligibility criteria, which includes a list of predominantly industry-based professional standards.⁵ This list does not include the LINA Editorial Standards,⁶ the Community Radio Broadcasting Codes of Practice⁷ or the Community Television Codes of Practice.⁸ LINA recommends that all of these codes be added to the professional standards test.

Calculating NMI offset

The explanatory materials state that no deal can be used to offset more than a quarter of the total amount payable.

LINA is very concerned that platforms will be able to fully acquit the Charge with only four deals. This shift to a quantifiable approach is materially different from the environment established by the News Media Bargaining Code, where the platforms had to demonstrate support for a sufficiently broad part of the market in order to avoid being designated by the Minister for Communications. The ambiguity in this expectation led to more than a dozen deals being completed by each platform, including through collective bargaining arrangements that benefited independent newsrooms.

We strongly recommend the addition of a requirement that some proportion of the overall offset must be through deals with small and medium businesses (<\$50m revenue) in order to ensure that this part of the market is supported. LINA recommends that 25 per cent of total expenditure should be with small and medium businesses (revenue under \$50M).

The explanatory materials also detail the process for calculating the offset amount. Step two describes the applicable offset rate of 150 per cent for an agreement, or 170 per cent for an agreement with a news business corporate group that consists of only small or medium business entities (1.80). LINA supports the inclusion of an uplift percentage for small and medium businesses but recommends that it be raised, along with a requirement to engage with this part of the market.

The inclusion of an increased offset rate for small and medium business entities is important to recognise the comparative difficulty that small and medium businesses will face in engaging in commercial bargaining with platforms, the higher costs that platforms will incur in negotiating and administering deals with these businesses, as well as the smaller overall impact that these deals will have toward offsetting the News Media Bargaining Charge due to their likely lower value.

LINA does not believe that a 170 per cent rate is a sufficient lift over the standard 150 per cent rate to facilitate bargaining. We recommend that no less than a 200 per cent offset rate should apply for deals with businesses with less than \$10 million annual revenue. This creates a compelling financial reason for platforms to engage with the “long tail” of the news industry.

⁵ Australian Communications and Media Authority 2022. News Media Bargaining Code: Eligibility Guidelines. p.7.

⁶ Local and Independent News Association. 2026. Editorial Standards. <https://lina.org.au/about/editorial-standards/>

⁷ Community Broadcasting Association of Australia. 2026. Community Radio Broadcasting Codes of Practice. <https://www.cbaa.org.au/community-broadcasting/codes>

⁸ Australian Communications and Media Authority. 2026. Community Television Codes of Practice. <https://www.acma.gov.au/publications/2019-10/rules/community-television-codes-practice>

In-scope services

While recognising potential sensitivities in expanding the scope of the News Bargaining Incentive, the current draft does include a number of digital platforms that were not considered in the development of the News Media Bargaining Code originally. LINA is concerned that the in-scope services do not accurately reflect news distribution online.

The News Bargaining Incentive applies to entities that operate significant social media or internet search services in Australia with a consolidated revenue that exceeds \$250m.

The explanatory materials define a ‘social media service’ as an electronic service which enables online social interaction between two or more end-users where that service allows users to link to or interact with other users, and allow users to post material to the service. The materials also say that ‘only social media services that currently have the potential to significantly benefit from the provision of news media content are intended to be within scope’.

The materials also state that ‘services that have the sole or primary purpose of enabling end-users to engage in professional networking or professional development’ are excluded (1.20). This appears to have the effect of excluding LinkedIn, and consequently its owner Microsoft, from the News Bargaining Incentive entirely.⁹

LINA is broadly supportive of this definition of a ‘social media service’, however, we fail to see why a professional networking platform like LinkedIn, which allows its users to engage with other users and to post material to the service, which meets the significance and revenue thresholds, and which benefits from the provision of news media content, would be excluded. Users on LinkedIn post Australian news content, the platform has an editorial staff that curates news content, and it is a significant destination for classified job advertisements which were traditionally placed in local news publications.

LINA recommends removing the exclusion for professional networking social media services.

The exposure draft legislation also does not include AI services such as ChatGPT or Claude despite their increasing popularity in the provision of information. The 2025 Digital News Report found that the number of Australians accessing news through AI platforms has grown, particularly among the young, the highly-educated, and the heaviest news users.¹⁰ Services like ChatGPT are now generating ad revenue.¹¹ While this may not yet be significant, AI services are still significantly impacting news publishers’ audience traffic and thus their revenue. While standalone platforms are excluded, some AI services will already be within the scope of the News Bargaining Incentive by virtue of their placement on other, in-scope platforms, such as Google Gemini.

LINA believes that excluding standalone AI services such as ChatGPT or Claude is inconsistent with the policy goals of the News Bargaining Incentive. Further, there must be a mechanism to review and add in-scope service types in the future.

⁹ Though Microsoft also owns Bing, it is not clear that it would pass the ‘significance’ test for a search service.

¹⁰ Park S., Fisher C., McGuinness K., Lee J. Y., Fujita M., Haw A., McCallum K. and Nardi G. 2025. Digital News Report: Australia 2025.

¹¹ OpenAI. 2026. New ways to buy ChatGPT ads. OpenAI. 5 May. <https://openai.com/index/new-ways-to-buy-chatgpt-ads/>

Other matters

Transparency

The News Bargaining Incentive consultation paper released in late 2025 asked what information about commercial agreements should be shared, and with what entities. It is not clear from the Explanatory Materials that any new transparency measures are proposed in relation to the Incentive.

It is a flaw of the design of the News Media Bargaining Code that so little information is known about the deals, even by government. Though these deals are between commercial parties, it is clear that many, if not all, would not have occurred without the government's intervention with the Code and the threat of designation, and the public interest is better served by transparency in the outcomes of that intervention rather than by secrecy.

It is a baseline ethical principle of journalism that audiences are made aware of the financial interests of news organisations and owners in order to assess whether it may impact coverage. Further, transparency of the number and quantum of deals would support government evaluation of the policy intervention over time.

LINA believes that it is essential for public good outcomes that the Incentive correct this lack of transparency. We recommend that the existence of a deal, the names of the businesses that are party to that deal, the total value of the deal and the length of the deal should be publicly-available information. This is the minimum amount of information that should be public.

It seems logical that the Australian Taxation Office would be the agency responsible for collecting that information, though it may be appropriate to include a notification requirement to the Australian Competition and Consumer Commission when relevant deals are signed. Agencies should be notified about relevant deals within a reasonable timeframe, such as 30 days, with the agency to publish information publicly within a similar timeframe.

Finally, LINA would like Treasury and the ACMA to explore how the News Bargaining Incentive interacts with the Media Diversity Measurement Framework (MDMF)¹² in order to ensure that it achieves the goals of enabling diversity and pluralism and is supporting different segments of the news market.

The Framework is designed to systematically track source, content and exposure diversity across the news information ecosystem. Including data from this scheme within the MDMF will enable the Incentive to be measured not only according to its commercial outcomes but, more importantly, by its contribution to improving media diversity. Over time, it will be possible to assess whether the Incentive is contributing to changes in the Framework's diversity indicators, whether any gaps have emerged or are unaddressed, and to adjust the Incentive's design in order to support or reward investments in these areas.

This will also contribute to the News MAP principle that any government intervention to support public interest journalism must be based on robust, long-term evidence. Data-sharing arrangements with the ACMA should be confirmed prior to the commencement of the Incentive so that expectations are clear and reflected within commercial deals.

¹² Australian Communications and Media Authority. 2025. Media Diversity Measurement Framework. <https://www.acma.gov.au/media-diversity-measurement-framework>

Statutory Payment Scheme

LINA has also submitted to the Department of Infrastructure, Regional Development, Transport, Communications, Sport and the Arts consultation on the Statutory Payment Scheme. Key recommendations include:

1. A news business that has secured a deal with a digital platform should not be eligible under the Statutory Payment Scheme for funds collected from that same platform.
2. Fifteen per cent of levy funds collected should be set aside for a competitive grant program to meet the news and information needs of underserved communities.
3. Proposed weightings that increase support to certain types of news businesses be increased.
4. Revenue-based eligibility criteria for the News Media Bargaining Code Register/Statutory Payment Scheme should be removed.
5. The LINA Editorial Standards, the Community Radio Broadcasting Codes of Practice and the Community Television Codes of Practice should be added as eligible professional editorial standards for the News Media Bargaining Code Register/Statutory Payment Scheme.

Conclusion

The news media market has been disrupted by digital platforms. LINA supports the Government's actions to address power imbalances between digital platforms and the Australian journalism sector to keep public interest journalism strong, diverse and sustainable.

LINA welcomes the Incentive as an opportunity to address some of the retrospective shortcomings of the News Media Bargaining Code. The News Bargaining Incentive provides an opportunity to consider not only how digital platforms relate to the news media sector, but how the design of the News Media Bargaining Code entrenched large news businesses and disadvantaged small and independent publishers.

Through the News MAP process, the government has committed to an evidence-based policy framework that emphasises the importance of public interest journalism and media diversity. It is a commitment to situating media policy within a broader understanding of the social and civic importance of public interest journalism, and to making investments that supports the production of diverse, representative and locally-relevant news.

LINA urges Treasury to locate the News Bargaining Incentive within this framework and to use the opportunity of the scheme to focus on the outcomes for communities. For large publishers this may be best achieved through commercial bargaining as envisioned. However, the Incentive must also learn from the experience of small publishers under the Code and put measures into place to ensure they also have opportunity to succeed and perform their vital role for the communities they serve.

This submission outlines potential unintended risks in the proposed legislation including entrenching media concentration, making news deserts permanent and giving global platforms undue influence. The suggested amendments to broaden the number of deals required, including requiring platforms to make deals with small and medium publishers, increase bargaining power for small and medium publishers and address scope and eligibility gaps will strengthen the legislation and generate broader benefit for the Australian public.

LINA intends to assist its members to engage with bargaining processes under the Code to the extent that our resourcing and the capacity of our member publishers allows. LINA seeks eligibility for small newsrooms to enable opportunities to participate in the News Bargaining Incentive and a

reconsideration of some elements of the Code design to avoid blocking emerging newsrooms from access to the arena.

The proposed News Bargaining Incentive and the pre-existing Code must be strengthened to ensure this report supports a fair, diverse and sustainable public interest journalism market and achieves the Government's stated news media policy objectives.