

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

To whom it may concern,

I feel it is my place as a free thinking citizen of Australia to do everything in my power to challenge the News Media Bargaining Code and it's premise.

The idea of being able to monetise media is nothing new. It has been used in history for generations. The real damage was done when our publicly owned Radio waves were given licensing to be used to profit.

While broadcasting entertainment for profit is a good business model and is a basis for our society - an opportunity existed at that time to make a requirement for Informational broadcasting - ie. the News.

These laws were unfortunately passed before we as a country knew what Television would eventually become and this has resulted in most of Australia's news providers being able to give information they'd LIKE to give rather than what SHOULD be given to citizens.

With the evolution of the internet, we have fallen into an almost unprecedented and unexpected information age, where if a citizen wants to know who the minister for defence was in 1941 they can search for it in mere seconds.

Further to this, the internet, specifically Google, Youtube, Facebook, Twitter etc. have provided and should continue to provide a form of free-from-profit informational broadcasting. When a media outlet is being paid to present news, then the idea of Journalism and News are inhibited.

If we were to start giving the algorithm for how Youtube and Google function, we start detracting from the free media the internet has provided. The success of the internet in the last 20 years speaks volumes to the need for Australia to have a competitive media which is accountable. The internet provides this check and balance and without it we lose decades of progress.

The idea of an accountable media creates vital competition in the industry of media - while personally I don't believe media should be an "industry" as profiteering off providing your citizens information creates a massive possibility of collusion, corruption, division and segregation - the accountability of media means competition. Competition breeds innovation, improvement and continued improvement of service.

The best thing for Australians is to let the internet call the Murdoch/Packer/Government funded media to account, and the best thing to provide competition is to let the media outlets online continue to provide information in their own broadcasting capacity.

This is the ACCC's opportunity to provide healthy competition and provide the Australian people with their own option for media outlet.

Kindest Regards,
Dan Reeve-Fowkes

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To Whom It May Concern

I would to express my opposition to the proposed News Media Bargaining Code.

I have read the draft legislation in detail and I have read various articles with differing opinions.

I do not think the proposed legislation is very fair. It is anti-competitive and promotes an old, dying monopoly.

It may have been written with the intention of supporting a declining news industry and journalists, but in its place, you will be unknowingly affecting many small to medium businesses across Australia and keeping Australia in the dark ages.

It will set a dreadful precedent for the rest of the world and I encourage the ACCC to carefully consider this legislation from all angles before accepting it.

I am a Digital Transformation & Online Growth Strategist. I am a Certified Practising Marketer and Fellow of the Australian Marketing Institute. I have over 20 years experience in the industry. I run a digital consulting business with a team of 8 people across Australia and London. We work with clients across all industries, from small to medium businesses, through to enterprise and government.

We specialise in data-driven Search Engine Optimisation (SEO) and pay-per-click marketing (PPC), among other specialities. I am very much aware of the advantages and disadvantages of working with Google and Facebook.

I am a huge proponent of Google and Facebook. Without them, my business and my client's businesses could not survive.

Google and Facebook changed the face of business as we know it. They were game changers. They helped create an open playing field, that was fair and encouraged anyone with an idea to give it a go. Compared to the past, anyone can now start and grow a business online.

By trying to control Google and Facebook - by requiring them to give money to news organisations; provide analytics that they shouldn't have to provide that is very anti-competitive (news organisations have their own analytics of people visiting their own websites from Google and Facebook); give advance notice of algorithm changes (another anti-competitive requirement), amongst other requirements - you are starting down a very slippery slope that could create a minefield of problems in the future.

If you approve this legislation, what's then to stop other industries asking for the same thing?

Once we have certain industries being given priority and preferential treatment over others - for no reason, other than the fact their management teams haven't kept up and don't know how to run their businesses in the current day and age - then you will basically destroy the essence of Google and Facebook and the gifts they have given the general public and all businesses - opportunity, innovation and a fair go.

I also strongly disagree with the digital business revenue test of \$150,000. This seems exceptionally low. This will affect many blog sites and small businesses writing about news in their industries.

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I implore that the ACCC and any other person involved in this decision, revoke this legislation immediately, for the protection of all Australian digital businesses and the future of innovation not just in Australia, but globally.

Thank you for your consideration.

Regards

Anne Lee Archer

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To Whom This Concerns,

I whole heartily hope this bill fails, the news media in Australia today are over entitled and horrible at their job. DON'T change the internet and how it currently functions to favour channel 7-9-10-ABC etc.

Otherwise huge fan of ACCC and I personally believe this organization has integrity and will do the right thing, this impacts your family to.

Thank you

Bradley Mumford

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Dear ACCC

My name is Oliver Wegener, a [REDACTED], in [REDACTED], and soon to be university student. It was brought to my attention that the Treasury Laws Amendment (News Media and Digital Platforms Mandatory Bargaining Code) Bill 2020 aims 'to develop a code of conduct to address bargaining power imbalances between digital platforms and media companies.' (according to <https://ministers.treasury.gov.au/ministers/josh-frydenberg-2018/media-releases/accc-mandatory-code-conduct-govern-commercial>). Initially, this bill aims to give Australian news outlets more exposure to citizens. However, what has alarmed me is who the ACCC has targeted as the tall poppy to cut down. 'In its final report the ACCC identified that Facebook and Google have each become unavoidable trading partners for Australian news media businesses in reaching audiences online, resulting in an imbalance in bargaining power.' The ACCC aims to balance the bargaining power between google and AUS news outlets. What concerns me is that Google will retaliate by severely decreasing the quality of its service. Not because the law asks to do so, but because Google will refuse to cooperate with Australian legislation.

With due respect to our media outlets, our news doesn't have the global coverage, equal representation, and diversity of articles that Google provides. Australians will be forced to browse a slim coverage of articles and opinions. They may not even be able to access relevant international news. As Australia is notorious for extremely poor internet services and speed, and the mismanagement of our NBN services, it is unwise to provoke Google in the name of equal media coverage and financial gain. Google also provides other resources and tools alongside its search engine. Offering a suite of free editing, presentation, and digital storage tools that are vital for the modern student to undertake research and studies.

Google is the primary research, study, and greater internet browser for students and the youth of Australia. Google is how the Australian youth can reach the wider world and access education effectively and efficiently. The only limit is their inspiration and determination to learn and connect with the world. Unless this bill is to pass. Then our limit to our education is company temperament. Google's cyber toll booth. The push for more Australian children to undertake STEM subjects is, in part indirectly, supported by Google. On the basis of the free service they provide.

To keep students efficiently studying, and youth in contact with the rest of the interconnected world, this bill should not pass. If change is to happen with Google's Australian division, to balance the bargaining power of news and media, it must happen within Google Australia. With the best and brightest minds educated within STEM and the Australian Curriculum, working for change in Australia's best interests.

Thank you for taking the time to read my letter. I am grateful for the opportunity to voice my concerns and of your efforts to give Australian consumers fair rights.

Sincerely,

Oliver Wegener

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Public submission by a member of the public

To whom it may concern,

My name is Lisa Carroll and I am writing to you with my feedback and opposition to the proposed Media Bargaining Code Bill that is open for public comment.

I believe by bringing in this code it will kill the creative community that exists on the social media platforms such as Facebook and Google as the news media organisations will have an unfair advantage as the code requires that Google and Facebook give the news media organisations 28 days notice on any changes to the algorithms that run these sites, the code, in my interpretation, also gives the news media outlets what is basically "the keys to the algorithm" allowing these news media companies to push out the competition and community online and restricting the choice of the consumer on what they want to watch. The reason being that any subject can be "news" and these companies have entertainment businesses that the code will allow them to flood the digital space with their products & programs. This proposed code will kill competition and inhibit the growth of new media outlets and channels. It will destroy any chance of Australia competing on the world stage in a new digital world as the requirements will basically stop Google and Facebook working as we know it. Google themselves stated they made 3620 changes to the algorithm last year, that is on average 9.9 algorithm changes a day and this legislation will make it impossible for Google to even operate. It will hinder out economic and artistic ecosystems. This cannot pass.

Thankyou for giving me the opportunity to give my feedback.

Your sincerely,

Lisa Carroll

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Public submission by a member of the public

Dear ACCC,

I am writing this letter to voice my opposition to the egregiously dangerous legislation detailed in the proposed “News Media Bargaining Code”. As it stands, this proposed bill is an assault on Australia’s democracy. If online platforms like YouTube and Google are legally mandated to disclose the inner workings of their systems to large news publishers, then Parliament would effectively be enabling these large news publishers to unfairly rank their content at the top of the YouTube and Google search results. As a direct result, large news corporations would effectively be able to suppress articles, videos, opinions, ideas, and all other online content they disagree with (like videos from YouTube creators, for example). If that wasn’t dangerous enough, the proposed law also jeopardizes the privacy rights of YouTube viewers by requiring that YouTube hand-over vast amounts of private user-data to these large news companies. For the sake of Australia’s democracy, I plead that you use the awesome power vested in you to vote against this proposed bill in its entirety. Thank you in advance for your prompt attention to this matter.

Austin Baker

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My name is William Lane. I am from Brisbane. I have a portrait of The Queen in my Mud room I hope you can say the same regardless of your race, creed, religion. I run a small Youtube channel (<https://www.youtube.com/user/UnwantedSelf/>) to share projects and sometimes cover news in regards to Technology and Pop Culture. It's a tiny operation, but I believe my Youtube channel should be as equal on Youtube as any other of the big news outlets. They are now special on this platform. They can upload videos in the same way as I, just as I could buy space on my local free tv station. I do not believe the Australian Government has any business governing online internet platforms in this way. I am a globally minded person and the internet connects me to the open world. If I wanted the option of backwater little teams on a small oceanic island like the ABC, 7news, 9news, SBS, I would seek it out. But I am free to interpret my news from a global market of Indie, one man, independent sources.

While I fly an Australian flag, I don't surf the Australia's internet. I surf the World Wide Web.

I am against this code. - William Lane, the Sickest in the Game

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Hello,

I'd like to voice my opinion in opposition to the code and associated legislation.

Google and YouTube offer a free service and as such I do not understand the need for legislated bargaining power. Further, a legislated requirement to share user and/or operating/algorithmic data would in fact allow Australian business media to manipulate what the end user views as they see fit. This does not provide the intended outcome of an equitable operating environment.

Regards,

Timothy.

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Hi,

I am a concerned citizen who frequently uses Google's and Facebook's services. I am appalled by this new legislation and I think that it is just a ploy for more money. I wholeheartedly disagree with this as it creates a dangerous precedent for further media bias and manipulation. I have read through the details of this legislation and I am very unimpressed. I implore you to go no further with this mandatory code, I do not believe that it is fair or right to impose.

Sincerely,

Ciara Sillery

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Public submission by a member of the public

Hi,

This whole bill stinks. Google and Facebook have built the platform which the news services CHOOSE to use FOR FREE and then have the audacity to expect the digital platforms to pay for it? And then demand that the news providers have an advantage over every other business as to what results and posts the average consumer sees? Do you really think that this is what's best for the Australian people? To be flooded with information from selected sources who will have far too much influence over what the Australian people see? This is one step away from China's firewall blocking any information coming from other countries to brainwash their citizens. This is a load of rubbish and should be abolished in it's current form. On top of that, the news providers seem to be able to dictate what their content is valued at without and concern to how much revenue or profit this actually relates to with the digital platforms. How is that fair?

Kind Regards,

Ben Wells

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Whom It May Concern:

Bargaining Code legislation is undemocratic and unfair to a tiny one-person operator and small business.

Google works for a greater good, a comment on their system not the company, in advertising.

Media barons owned local media in the dark old days. IE: The Packers, The Murdoch's, and others. They had it very good. Advertising was expensive and hence unavailable to small businesses.

As a local advertiser, we were in a real monopoly! The monopoly was the Yellow Pages phone directory. A directory whereby in a major market, a quarter-page ad, the largest you could buy, was as much as Twenty thousand dollars plus for a year, per advertisement. The price quoted was from over twenty years ago. Imagine how much that price would be in 2020? Yellow Pages was of limited value and grossly overpriced. I know I had to buy a product I did not like and something I had no control over regarding costs.

Google, advertising has made advertising more democratic. All of us are required to know how to

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rank for SEO and provide exceptional content. We are all in the same boat.

Why should our local news not get up with the times and get the ranking of their sites happening?

The days of delivering demographics to advertisers like, IE: all men 18 to 29, and all women 16 to 25 etc, or however those demos worked, are gone.

In the old day's an attitude to advertising went like this:

"We know that half of advertising works, we don't know which half?" The statement is supposed to be a joke. I am not laughing.

Those days are also gone.

With Google & Facebook, we know exactly how advertising works and what works. The new specific demographics provided by Google and others work for all of us.

I have been oversimplistic in my above assessment. But it paints a picture.

All democracies need sharp investigative news to be an oversight to government. I get that, but they are still a business.

Businesses are always trying to get an advantage.

However, no advantage should be given to one above another. The new legislation proposed by the Australian federal government appears to be an attempt to give the local media an unfair advantage over all other businesses here in Australia. The government in league with local news media wants to throw us back into the advertising dark ages.

They want to return to the days of the privileged few.

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The changes will stop a little one-person business like myself, who can be equal in the current situation. The move will relegate me and others back to mailbox flyers, the yellow pages, and consign Australia into a provincial backwater of marketing.

Giving a local news business an advantage will make them lazy. The arrogance of before will return.

Others will then lobby to be included in the legislation. Where will it stop?

Best Wishes

Robert Huggins

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To whom it may concern.

The news media bargaining code is what is ineffect a bail out for the Australian Corporate Media.

It does not encourage improvement of their services or force them to adapt to the new media landscape.

I think it's inappropriate for the sitting government to discourage competition in free markets and "play favorites" with certain media corporations at the expense of smaller businesses.

Also the access to user data by the Australian corporate media is a violation of my privacy and would also give an inappropriate and unfair advantage to a select few companies at the expense of other businesses and FAIR competition.

Kind regards,

Gregory Parry.

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Hi there,

I just wanted to get my two cents in on the proposed changes to YouTube and Google.

I think that the proposed laws are terrible, and should not at all go through. I think that the idea of giving in to news organisations due to their lack of prominence on the internet (a problem that is directly their fault) an unfair advantage is gross and frankly inhumane and un-Australian.

If news organisations wish to grow their prominence online they must look no further than American, modern news providers like Complex News.

To finish, please, do the right thing.

Campbell Ewin

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Hi All

This law appears to be ill conceived and designed to benefit vested interests who wish to maintain the status quo. It only exists because of the access that this industry segment has to the Government.

The Internet is a free and open platform which has significantly lowered the cost of information exchange. This technology has had a significant impact upon businesses which relied upon their control of information to extract revenue from the public. It would appear that this law's role is to prop up the impacted businesses rather than letting market forces work efficiently and effectively to adapt to new technologies. It has been demonstrated time and again that countries which adopt protectionist approaches to prop up individual industry segments perform poorly in the longer term.

The key argument is that the content provided by the media companies is being leveraged by the likes of Google to generate income which should be going to the content providers. However the content providers can charge for this content in the same manner in which they require you to pay for the content when you purchase a magazine etc. This approach is being already being used in Australia and the US. If users wish the pay for the content they will pay. The problem for media companies is that end users have a much greater choice that they did in the past and can find the most cost effective content which has eroded the profits. If there is a requirement to make search providers pay for content it should of be of a general nature and not be specifically targeted at a particular business segment.

While I am no fan of the way that Google and Facebook operate I am less of a fan of ill-conceived, knee-jerk laws design to protect dying businesses which have unfair access to politicians. It would make more sense to see additional efforts to ensure that all companies pay tax in Australia and ensuring that payouts such as the 822M one to Murdoch's media group don't occur.

Kind Regards

Ian

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> Hello,

>

> I have a few concerns regarding the new bargaining code being
> introduced.

>

> 1. Reading over google's blog, there is a clear consensus that this
> law would require companies to deal with Australian media if exposing
> Australian's to overseas media. I find this unfair as it would force a
> company to deal with another and be subject to the costs of that other
> company without an easy way to refuse.

>

> 2. I have noticed by reading the legislation, that a section on which
> digital media are required to participate is able to be determined at
> any time by the treasurer. I believe this power has the potential to
> be subject to corruption and without clear definitions could see some
> platforms being unfairly treated.

>

> 3. I also find that accepting submissions purely by email (without a
> mail-in option) could potentially limit responses that could be
> received, with people not wanting a trackable option to express their
> concerns. On the other hand, this method could also allow for overseas
> respondents to flood the responses.

>

> Thank you for your consideration,

> -L

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How can this new code be fair for all other aspects of users on these platforms. This would give media an unfair advantage. My belief is that Australian and world media have struggled to adapt to the new technology that has come to pass over the last 20 + years. It is not just media, retail is also struggling. Why should media get an advantage to making money through these services and other areas still have to struggle. I say no to the new bill it offers an unfair advantage to a group that has bullied their way into everyone's lives for 60 years. Its time for a change and what we have has been voted on by the people that use these systems and turned their back on traditional media.

Andrew Campbell

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terms for this response.

1)Google :online media

2)News :print media, tv and radio

It is difficult to ascertain the real deal, based on the available information. Honestly the information put out by both parties, accc and google are not in good faith by any means.

This happens when both parties go to damage control rather than working together. Im not naive, but i think the position is probably unworkable currently because the approach in setting googles obligations are too broad in current form.

It seems clear that the bargaining bill enacts protection, but is meaning financial compensation broadly. It is unusual that the safety net stated is akin to workers arrangements, but when google is not employed as such?

The accc focus on cost recovery isnt the smartest way to help News make more money even though thats counterintuitive, I dont think squeezing google is the right avenue. hence only conversation is at cross purposes.

News is online in its own rights on its own servers. I dont think private owned news is entitled to force an artificially boost in online presence.

Government run News is accepted and has prominence already as a rule online from what ive seen.

This is a priority. ie abc inclusive because its owned asset.

Ranking is a function of people searching keywords, this might be a better parametric of control to consider, if the aim is to protect our real consumer assets.

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these parametrics are serving consumers pretty well currently.

Never forget content is king, perhaps the News and even Australia needs a new online advisory, marketing department.

Its not at all like making News.

Its obvious however that the interest by the government that imagines protecting news industry in australia, particularly large news has been left unexplained. diversity of source could be one explanation, but not credible.

News industry, it really might be best to let it go the way of copper telephone wires or car companies for one main reason.

Regular people get their content online increasingly, ie mobile.

This is not going back to the old days even if the news have the money coming in realistically.

Secondly, News is limited to being a homogenous entity in print, which suffers more than web for any bad quality content.

This user experience basically does not happen online.

thirdly, the provision for News to edit/block their user comments is terrible, it invites uncheckable misuse, so consumer is at risk.

There is a place for News, but is niche and curated and subscribed.

the internet gives anyone access, google does not charge.

Its not broken, so dont fix it... literally.

thankyou

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acc does have a point related to Australian law in concern over possible customer privacy incursions by google but is this how Australians want money spent really? who gets the compensation?

I see this as a separate issue.

I can see it would be much better situation if Australia works toward independence with the aforementioned funding. we need a government search engine?

AB

Adam Baker

News Media Bargaining Code – draft legislation consultation submission

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Hello ACCC,

Not sure if my name is important but I am an Australian Citizen living in Lower Chittering, Western Australia.

Starting from the start of the legislation and wholly in my regular person opinion;

1. 52C - subsection 2. Having the whole basis of this draft and the Treasurers' role in deciding what to do be immediately nullified by subsection 3. The Treasurer must consider the topic at hand before making a decision but doesn't have to consider the issue at hand..? That is some shockingly bad legislation. Either they have to think about it or not. Pick one.

2. 52D - I do not believe a Government agency (or any agency) should be deciding who is, and is not a News Business/Corporation. You have guidelines and regulation already to dictate what you can and cannot do with News. Giving you, the Government, more power over who gets to speak and is deemed appropriate to 'speak' as a 'news' outlet is unjustifiable.

3. 52E - So even when the ACMA grants a registration, they can just remove it if they think they can revoke it if they 'consider' you have not fulfilled any of the requirements.... like something not being of 'public interest' . The government does not get to decide what is of public interest! The government can draw attention to something, but they don't get to tell everyone to look.

4. 52G - Completely destroys any independent News Media from being labelled as a News outlet officially and therefore not a part of any bargaining agreement.

5. 52H - Core News Content: The Government should not get to decide what is relevant to the public anymore than I do. The government deciding what is and isn't 'significant' to the public is borderline Facism and a slippery slope that we should not go anywhere near.

6. 52K(a)(iii) - That is hilarious. The Project should already be off the air. As should most 'TV' news as I have not seen much 'quality journalism' in a long time. The Project is the absolute worst journalism I have ever seen yet I imagine they would get registered.

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7. 52M - (2)(a) I do NOT want any of my data going to any of the News Outlets. It's bad enough Google has it let alone even more entities I cannot trust. There is a big difference between Google advising 'This many people went to your site' and "This is all thier data"

- (b) This subsection literally states that the Digital Platform makes the content available. Without that, the content disappears. The News outlets should be grateful they get any kind of 'prime time' on platforms like Youtube.

Overall - Once again, all this is going to destroy smaller independant and more trustworthy news sources by giving all the data to the big boys while simultaneously not giving it to the smaller ones.

8. 52N & O - This one I agree with as a standalone and shouldn't apply to only 'News' Outlets only. It should be a blanket. Some kind of place where they note the changes upcoming and why.

9. 52P - News Outlets should be treated the same as everyone else on the platforms. It is bad enough they already get bumped up at the expense of independent outlets. If they don't feature, then tough luck.

10. 52Q - News Outlets should be treated like everyone else on the platform and if changes happen then so be it. Pay to advertise or shut up.

11. 52R - Since this relates in general to the 'News Outlets' also a big nope. However, if this is not already legislation (in so far as having an Australian Point of contact for ALL Australians) then that definitely needs to be legislated. But I am pretty sure they already do.

12. 52S - Absolutely not. Media is already held to almost no accountability or standards. There are already factors in place to remove comments in youtube etc so this is not needed. If the entire bill was passed then this also means not only do the media companies get full access to any data, get prime positioning and can remove people they 'don't like' (or maybe just disagree with them) on an individual basis. If you can't handle the heat, don't get in the fire.

13. 52T - Once again, 'recognise original news content'. REgistered news outlet is already a big problem. REcognising original news and placing any ranking on it will only lead to

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further degradation of journalism. It will become a first in first served system, fact checking will be even less than it currently is, fear mongering and sensationalism will be key to push traffic. This is already happening! Making it legislation for big tech to HELP THEM do this is disgusting. IT also means that media companies get to decide what is and isn't classified as news, original news or who gets ranking. HORRIBLE!

14. 52V - Who decides what is a trade secret? Shouldn't that be up to the Platforms? And if so, how do you know you aren't legislating for them to give trade secrets as how could they prove it without giving the data?

15. 52W - So a tech company has to ensure equal standards, but the News Media doesn't?

16. All of the Bargaining will result in more power to the established media once again destroying any competition towards it and thier narrative. How can News Outlets Bargain in good faith if they are forcing Google etc to give away data, allow them to dictate ranking and what is classified as news.

17. Arbitration once again is determined by the ACMA and who they hire. More power to them?? no thank you. Hopefully none of the arbitration has to be done as hopefully, the government will not be putting this into action.

Ultimately it comes down to this.

1. The 'old school' news is dying. Social Media and Independent journalism (through these platforms) seems to be the next step in 'Journalism'. So STOP BAILING OUT GIANT COMPANIES THAT ARE GOING UNDER AND FEEDING MONOPOLIES (that includes companies like Quantas while I think about it). Banks are the ONLY notable exception because they have people's money. And even then, they need better regulation to stop them getting anywhere near needing a bailout. Reform banks. The only reform NEws needs are internal ones with integrity and accountability. Every time you bail someone out of try to legislate something like this, it leaves the morons in charge who put the companies in these positions TO STILL BE IN CHARGE.

2. News Media is a business just like anything else. While you can argue that journalism is required and without funding corruption will seep back into those in power (if it doesn't already exist) to a large degree you are correct. But you don't need these big companies being the ones keeping check any more as long as you legislate Big Tech Companies being unable to censor people for any reason at all. They are platforms and should be legislated as such. If

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someone says or does something online that is illegal, then let it be solved by the legal system. Not someone sitting behind a desk.

3. It also gives WAY TO MUCH POWER to the ACMA and Media Conglomerates. Power Corrupts people. How many times do we have to see it before the Government starts going in the opposite direction and loosening restrictions and making legislation towards LESS control?

4. News Outlets can earn money via Patreon, Subscriptions, sales and advertising on thier own platforms/websites. If they can't make it work where so many others can, that is not the fault of the big tech companies. It's the News Media's fault for slowly degrading into click bait, non-journalism and seemingly more and more 'opinion' pieces instead of actual factual news... Covid-19 is a huge example. God forbid a single news outlet would actually do some research on it instead of just nodding and writing down whatever the WHO/Our Medical advisors say. And therein lies the big problem with Journalism today... it rarely exists hence the downfall.

Lastly while Google etc are becoming a monopoly and therefore a big problem, this is not the way to address it. This only addresses the dying News Outlets.

Kind Regards,

Joshua Lewis

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Hello, my name is Brodie Chequer and I'm [REDACTED] from [REDACTED].

Firstly, I in no way support this draft code. News and Media Companies already have a lot of power on scheduled television and now that online entertainment and communications have become a more enticing choice for Australians they want to dominate that market too. this would be understandable if the Australians using these services really wanted to hear these companies, but at the moment, they just don't.

Evidence of this can be seen in Google's blog post they released on Monday, August 24, 2020, titled '13 things you need to know about the News Media Bargaining Code' (Link here: <https://australia.googleblog.com/2020/08/13-things-you-need-to-know-about-news.html>) wherein Question 9 they stated that "News queries account for just over 1% of our total search queries in Australia".

This then leads me to believe that News and Media Companies don't want to work to become favoured by Australian users, instead they'd rather make themselves a mandatory part of Google and Facebooks services that all users will have to put up with.

This will also take away from the main reason people turn to these sites in the first place, choice. If you take away the users ability to choose what they want to watch then what's the point of having these services in the first place if it's just going to be run the same way scheduled television is.

Yours Faithfully,
Brodie

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Dear Sir/ Madam,

I would like to voice my concerns regarding the Media Bargaining Code law.

I believe this law will not benefit the people of Australia, by allowing control of what is essentially a level and free platform.

I hope you take this into account and put a block on the passing of this law.

Kind Regards,

Allan Whelan

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

To whom it may concern,

This proposal to legislate against Google and Facebook on behalf of the major news corporations is an absolute waste of taxpayers money.

How dare you allow a the major news business gto collude against other business and then try and legislate that so that the taxpayers now have no choice. If a business can't adapt to its market then that's the business fault.

This “code” effectively discriminates against Google and Facebook for being better at delivering the news than the the major news corporations in Australia and you are allowing the major news corporations to use taxpayer resources legislate against their business rivals.

This is an abhorrent abuse of power and should never have been given light of day.

Seriously consider the Australian Taxpayer in your decision as this will not benefit anyone but the Major News Corporations in Australia and not level the playing field but instead narrow it.

Regards

Matt Ball

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Why would the government say that they want to help small businesses if their just going to sweep them under the rug with this law, especially since over a million Aussies have lost their jobs? Because the news isn't getting enough attention or money for YouTube?

Surely I'm not the only one that thinks that this is very bad especially since news media outlets like prime 7 and WIN News get to take some of our data from us when they want to, i mean Facebook already does this in America and look what's happening over there now.

Google only have so much money they can give out to the Australian population via YouTube and news media outlets are demanding more than what they're worth.

And the fact that this code is barely being talked about means less people will know about it which I wouldn't be surprised is exactly what the news wants.

I only wish that the Australian people get to have a choice in this matter without being a "persuaded" by certain parties that want this to go through.

Max Plunkett

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Greetings,

My name is Randell Sutton.

I Am Writing concerning the draft legislation proposing communication regarding algorithms, consumer information and digital services provided by various digital platforms (Google, YouTube Etc)

I am concerned with some of the ambiguous language used in the draft. It allows for a large amount of interpretation of the powers that the list of news authorised corporations will have.

I am also greatly concerned that only new organisations with over (I believe) \$150,000 as income are allowed to be on the list.

These regulations may cause small independent journalism to suffer, and also monopolise the use of the algorithm amongst a small conglomerate of new companies. Affecting the ability of people to find independent and often unique media outlets.

I believe this legislation is very close to being similar in its policies to the great firewall of China and has great potential for misuse and abuse.

Please, Consider redrafting or removing this legislation.

This appears to be dangerous legislation which has the potential to be overbearing and achieve very little in way of positive results unless your one of the news companies which the algorithm is supplied to.

I would like to formally lodge my complaint against this legislation, as a citizen of Australia, and believe that the internet must be very carefully navigated when it comes to the topic of regulation.

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

hello i really dont thing the law that youtube is advertising against should go ahead, i feel that online creators are more valuable to society than the mainstream media, may i remind you about how we are told from a very young age to be cautious about what the mainstream media talk about, and if we were to let them take control of our streaming and online services the amount of misinformation that would be out there, they would literally be able to control the internal politics of australia if this law were to be passed and i for one would not let that stand, if this law passes i guarantee you society would fall shortly after, i do not and will not see this happen

Aaron Hutton

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

My name is Joel Robert Sims, I forfeit any anonymity in the writing of this letter to any who may read its contents.

The Bargaining Code proposed, with the dubious or unjustifiable intentions is not only counter productive to Australia continuing to move forward in this new age of information, but also presents great physical risk to Australian citizens and those residing here under other circumstances.

It comes at a time where the tensions of the people are already high thanks to COVID-19 following three decades of sketchy (on public record, not conspiracy theorists claims) transactions, actions and disregard of the democratic and liberal ideology.

People are viewing the government and policing institutions with more and more distrust every day.

The Australian people DO NOT trust the televised news programs or the owners of said programs.

The Bargaining Code represents the government's willingness to abandon the views of its people in favour of the people who are seen as the enemy of thought and healthy discussion.

It comes at a time where the common folk are watching the greatest country in the world riot on their streets in alarming numbers, birthing the idea amongst many, even employees of your institutions, that freedom, and safety from socialist German style propoganda, even our very Rule of Law is better protected by the Duty of Rebellion that has historically prevented crowns or even democratic positions of power from being abused.

This is a dangerous draft. It is knowingly and willingly provoking the majority of law abiding citizens into either violence against others or even themselves.

Digital platforms like YouTube represent the inevitable cultural shift that is underway that, if we do not wish to fall into the third world or the richest of us preyed upon by the reversion into mob rule, requires siding with freedom of information and not freedom of the friends with deep pockets.

The narrative history will tell, shall unavoidably mention the cultural divide of the first two decades of the 21st century.

It will speak of the clashing of the people's ideas with the ideas of the dead age before it.

History will not recall a racial or religious divide as is pushed by these news companies.

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Join the Australian people, join your people and don't just throw away and burn the bargaining code, but step by step, undo every blunder that the liberal/labor party (same thing) has done since the beginning of the 90s.

We as Australians need to start seeing progress, not the tribunes or consuls of Rome swaying views with rhetoric, not facts.

Let the dying media companies die.

It's just what happens when something better comes along...

If this is passed, I genuinely fear it being very close to, if not, the straw that broke Australia's back and forced Australian to defend against Australian all because the already irrelevant media company bought pizzas and hotdogs for everyone in parliament.

We are Australia... And we're done with 7, 9, 10, ABC, Sky and SBS.

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Hi, I would like to see this code retracted or at least made non-mandatory. The ACCC has no right forcing companies to abide by their rules when they that company has done nothing wrong. Just because Google is an exceptional company that excels at what they do, does not mean they should be muzzled for the sake of a dying industry such as our current news companies. Furthermore, these news companies aren't forced to just use Google or Facebook, they can choose other platforms to represent their content. If Google really is giving these news companies a raw deal, then the ACCC's job should be to expose this through the media(ABC) so that the Australian people can make their own decision about it. To legislate this sort of thing will only harm regular people who enjoy the services that Google offers. Google won't dominate forever, but this code pretends as though they will. Let the free market do as it pleases. Another point to make is that Google isn't obligated to stay in Australia, so the ACCC shouldn't pretend like they hold all the power. Google could simply lessen its services, finding a way around the code or just simply leave the Australian market, hurting regular Australians who enjoy Google's services of convenience and entertainment. Also, if they do leave or lessen their services, then our choice of media will be diminished. This is unfair to news media who make their living from Google's platform such as 'Youtubers'. Also, it tilts favorability back towards traditional media that were becoming redundant because they couldn't adapt to the times. That is unfair, technologically backwards and is certainly not free market capitalism. Thanks for taking the time to read my email and please consider what I have to say before implementing this code.

Regards James Priestley.

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

> Sorry,

>

> I am not sophisticated in the area of policy to give a rebuttal to the legislation. However it is clear from a reading of the concepts paper the premise of the legislation is perverse. Made worse by the fact these News organisations unleash vile attacks on those affected by power imbalance. These News organisations need to pick themselves up by the bootstraps and work harder. Without Google and Facebook there would be no motivation to better themselves. Not sure if it true but it is what they tell me.

>

> Thanks

> Jeff

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Dear sir/ms.

My name is Patrick Coombs Macken and I oppose the proposed legislation titled News Media Bargaining Code. It is a draconian law that will greatly reduce competition of online news and it will hurt our democracy. I urge you to stay true to the ideas of the free market and reject this law that would put Australia's news in the hands of oligarchs.

Regards Patrick Coombs Macken

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

The News Media Bargaining Code; In not only my personal opinion but from a newer generations perspective, the very premise of power like this given to the already corrupt media is abhorrent and disgusting at the highest levels, it repulses me to think that australia would even consider giving a failing business model like open TV the option to force garbage into the populace's mouths.

There is no power imbalance to be spoken of, that's like saying there is a power imbalance between government and banks or between rental DVD/Video game stores and online stores and digital platforms.

Please put this Bargaining code where it belongs, the bin.

Please, I beg of you do not allow this to go through from the bottom of my heart.

From a science party member.

-Jacob Reeve Knight

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Dear sir/maddam,

I'm writing this email to express my concerns over major media conglomerates deciding to interfere in the operation of YouTube.

I am in strong support for allowing people to utilise YouTube in a variety of beneficial and productive ways. It is my hope that an arrangement can be met that disallows these companies to inject mass advertisements and minimising the choices people have in viewing and creating content.

YouTube is a highly valuable source of information across many areas, and allows people the opportunity to actively engage with one another for their own betterment.

In summary, I must strongly disagree with any notion of mass media take over of one of the great sources of information available on a global scale.

Yours sincerely,

Lyle Dighton

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Dear ACCC,

Whoever wrote the draft News media bargaining code does not understand the IT and it shows the incompetence of the government in this field. As clearly explained by Google, this is not technically feasible with more than 3600 algorithm updates per year and I strictly oppose handing my private data to news organizations. News organizations also cannot be given privilege of being able to cheat the ranking by knowing the algorithm that is strictly confidential all around the world for good reasons (so the SEO-companies cannot take advantage of it). No news organization, blog or website should be given special treatment - we are not North Korea here, they should all be equal. They can always opt-out from Google search results if they don't want to be there.

I see this as a lobbying to get unfair advantage and should have been rejected from the outset by the government.

Please register my comments for the proceedings,

Kind regards,

Dr. Vladimir Vrba

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Good morning,

I am writing to you today to voice my grave concerns regarding the proposed News Media Bargaining Code bill. From the outset, such a bill does appear to support the Australian news and media outlets, through funnelling of funds and viewership provided by online platforms to these Australian media companies. However, providing this legislative "leg up" to these companies in this manner serves to cripple any free non-commercial media, of which affected sites YouTube and Google usually host and make available to interested viewers.

Furthermore, through data logging and content targeting to individuals, the enactment of this bill would see ripples of confirmation bias and potentially corruption spreading through the online population.

This is dire. I urge your organisation, plead even, to take whatever action possible in your power to resist the current iteration of this bill, or all potential future bills if they provide avenues for gross monopoly.

Thank you for your time.

Regards,

Skyler Patrick

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

This bill will only result in small, individual-run channels to be hurt, for freedom of thought and expression to die. This bill is pure evil, and if anyone reading this has any morals at all, they will see that it is evil too. End it before it's too late.

John

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Hi there,

I fail to see how this legislation benefits anyone except for providing a completely unfair and biased version of "truth" peddled by major news outlets. The fact remains that these outlets are failing in a fair ecosystem. The likes of youtube do not actively disadvantage major news outlets, and their algorithms allow for a fair broadcasting outlet that enables free-speech by all and already allows for public debate. This legislation would jeopardise these already fair systems and unfairly sway any news towards historically major new outlets, based on the very shaky\completely wrong assumption that they provide an accurate and unbiased version of events.

This legislation should NOT be passed.

Kind regards,

Adam Hardy

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Dear Sir, Madam,

It is not right that the swamp that is Australian media be given the keys to the kingdom.

There should be no special rules for anyone, if the Australian media produced unbiased quality reporting people would watch.

This law being passed is unjust and I think unlawful, why should the media get a leg up?

The Australian media should be treated like every other channel on YouTube or Google.

I should have a choice and don't want to be force fed crap from channel 7,9,10 or ABC.

Please no law.

Tim Wilson

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Dear Sir,

Instead of doing the bidding of Nine / Murdoch etc. shouldn't the ACCC be defending the interests of regular Australian citizens.

I don't want my data held and manipulated by Nine or Murdoch who offer no personal control over how that data is used, misused or abused.

I have detailed, granular control over what data Google maintains about me, and at this point I trust them.

The fact that PM Morrison and Treasurer Frydenberg are bowing to pressure from the big news companies proves those companies already have far too much power.

Sincerely,

John Crawford

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

To whom this may concern,

The News Media Bargaining Code is horrible for the Australian consumer, unjust and should not be allowed to pass.

As our defence against consumer rights, I sincerely hope you do something to defend us from this bill.

Thanks

Ben Phillips

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

To Whom it May Concern,

I am writing to express my concerns with the proposed draft amendments to the *Competition and Consumer Act 2010* with the *Treasury Laws Amendment (News Media and Digital Platforms Mandatory Bargaining Code) Act 2020*. The draft act is at best unfair, and at worst, a dangerous step towards controlling the news media choices of the Australian public.

The proposed News Media Bargain Code will unfairly impact small media producers and content producers within Australia. By suggesting that digital platforms such as Facebook and Google are required to [“provide advance notice of changes to algorithmic ranking and presentation of news.”](#) you are disadvantaging small media and content creators that do not get this information. Having worked extensively in digital media for almost the entirety of my career, and assisting business that rely heavily on fair and equitable algorithms from digital media providers to allow their content to reach their audience, this proposed amendment is risking the viability of my clients businesses, and my own, not to mention endangering the freedom of media in Australia by giving preferential treatment to approved media businesses. Freedom of the media, is in my opinion, a fundamental tenet of a successful democracy, and while not directly banning or censoring any media, the proposed code is giving a significant competitive advantage to news businesses that meet arbitrary and limiting requirements.

Additionally, the entire premise of the proposed mandatory bargain code relies on the notion that Australian News media is somehow being unfairly disadvantaged

By digital platforms. In reality, major Australia news media have been slow to uptake digital media for no reason than their own choices, while many smaller news content creators have embraced the digital media that is core aspect of the global media landscape. The code seeks to rectify this by rewarding major news media outlets for their lack of foresight and technological advancement, and punishing those that don't meet the limiting requirements.

While there is nothing inherently wrong with ensuring that Australian news media is ["appropriately recognis\[ed\]" for their "original news content"](#), competitive and monetary advantages based on the revenue and *'approvability'* of the news media organisation is not appropriate recognition. Instead, I would suggest we look to the success of the news media outlets that have, without unfair legislative advantages, continued to thrive on digital platforms. Instead of rewarding the incompetency we've seen from Australian News Media outlets in their adaptation to digital, we should be continuing to let the public choose the news media that best meets their needs, without legislative and regulatory intervention.

Kind Regards,

Bobbijo Harrison

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Hi there,

I'll make this short and sweet! Media companies being compensated for their content is a good thing, but there are serious problems with the News Media Bargaining Code. Notably, it is not in the media's best interest to provide fair reporting on this topic, which has been demonstrated.

Here are biggest issues with the Proposed News Media Bargaining Code:

- **User Privacy:** It is ambiguous under which circumstances personal data can be supplied to media companies, what that data is and how it can be used. The user has no way of knowing. The trade of information in this way should be excluded from bargaining agreements.
- **Fairness & Equality:** These are paramount to promote competition in a free market, this legislation is extremely one sided. The process disincentivises media companies to license content, as the arbitration process leans heavily in their favour.
- **Content Creators Disadvantaged:** While on the topic of fairness, it is not appropriate to let a selection of parties have special access (or advance notice) of changes to a machine learning content delivery algorithm, so they can *game the system* to have their content shown more frequently regardless of its relevance. Such a requirement prevents parties excluded from this legislation from having their content fairly displayed to their audience. Why are media companies deserving of this privilege? This serves no one but their special interests. This will exacerbate the content echo chambers that already exist, preventing people from becoming broadly informed, effectively undermining democracy. No creator should have this ability and there is no reason it should be included in this legislation.

As a business owner, I am aware of much of the great work being done by the ACCC and the importance of maintaining fairness and competition. I wish I could say this legislation was an example of this. The bargaining code is terribly one sided and serves at the detriment of Australian consumers and our democracy as a whole.

Two easy fixes:

1. Remove provisions for personal user data to be traded between parties.
2. Remove the provision requiring content platforms to provide intellectual property secrets to a select group, so they may have an unfair advantage at the expense of consumers and competitors.

Please, please consider the points above, make amendments and/or pass this message along to someone who can help. A free media is essential to democracy.

Kind regards,

Micah Macri

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Good afternoon,

I am writing this email to make my thoughts known on this bill that you are seeking to pass.

Firstly, I want to make my disappointment known in that the only reason I know of this is purely due to the fact that I have been warned by Youtube, Google and various Youtube personalities. This really strikes me as an extremely sneaky maneuver to try and get a bill like this passed during a global pandemic and I am disgusted that there is not more coverage of it. But then again, why would there be? The only ones who benefit from this are the ones who we rely on to provide us with information. Once again, the media has proven itself untrustworthy in the extreme.

Secondly, why should they be given preferential treatment when it comes to online content? There are hundreds of thousands of content creators and private website owners who will be shunted to the side in favour of the media. How is this fair? Why can the media not innovate to compete with independent news and entertainment content on Youtube?

News media should not be allowed to lobby the Australian Government to stifle competition and provide an unfair industry advantage by forcing publishing platforms like YouTube to give preferential treatment to their content. They should not have to pay them anything extra for their content. All content is set at a base value and the News Media doesn't deserve any more royalties than any other content creator.

Finally, they should definitely NOT be given access to our user data. I can think of no one worse to provide my personal information to. It is a heinous breach of my human rights and privacy.

Thanks for taking the time to read my email.

Shane Strickland

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

> Dear ACCC

>

> I have concerns that this proposed law will give big news companies an unfair advantage on social media platforms such as YouTube. To have access to algorithms would give them an advantage over other YouTube channels. Then to be able to bargain over things like the advertising revenue they receive would end up costing small you tubers revenue. This is due to YouTube having less money to pay other creators.

>

> News companies always have their own agenda as they are trying to sell a story. I do not believe that any of them truly report unbiased facts without a swing to the left or right. This seems like just another cash grab by big companies feeling hard done by.

>

> News companies should compete for views and an audience like everyone else on YouTube.

>

> Therefore I think this bill should be scrapped as it gives an unfair advantage to news corporations.

>

> Regards

> Shannon Gray

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

"Dear ACCC,

As of late I received a notice from YouTube claiming the news media of Australia wishes to change the law related to YouTube and its broadcast share, under normal circumstances I usually ignore open letters, and most suggestions to change laws, however in this case I feel my liberties are under threat and I must put my opinion forward regarding this matter.

It is apparent to me that the news media of Australia and the big television networks are losing ground to streaming platforms such as YouTube and in turn are starting to lose money because of it, and wish to change the rules so that the market is fairer towards them. This reminds me of when radio was threatened by television, but it found a way to co-exist and a way to compete in the market and stay relevant, instead of demanding the rules be changed for them so they can continue doing what it always had done, like television is doing now.

If television wishes to remain relevant in the future it should also find a way to adapt to this new world and new technology that is continuing to roll onward, with or without it, such is the nature of the beast which is mass media and entertainment. I anticipate however that major media corporations will do nothing and instead fade into oblivion, which should be permitted to happen.

My request to you is to reject any changes to the current law and legislation surrounding mass media and the streaming service YouTube, and allow smaller content creators the same playing field, as current laws in my own opinion are fair and balanced giving all parties the opportunity to grow.

Thank you for taking the time to read my opinions regarding this matter, and I hope you reach a fair and unbiased decision regarding this matter."

Andrew Bushell

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

The draft bill overall is a much needed piece of legislation that I agree with almost entirely. However, I have some concerns about the vagueness of the term user engagement data (52M Subsection 2). For instance it does not define the exact type and form of this data. The form of the data is incredibly important to define, as it could be average engagement by demographic, by location or even just straight user data. This leaves open a massive hole for potential privacy issues and exploitation by private companies when it comes to consumers, and having a well defined bill is vital to this.

Benjamin Mason

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

To whom it may concern,

The news media bargaining code is not in the interest of the public. It provides favour to news organisations which have the capital and capacity over normal people in the YouTube sphere. The Government's job is not there to help push the agenda of businesses. If the media organisations cannot succeed on the same playing field as every other content creator on YouTube then they deserve to fail. This bill from the Australian government is clearly biased and not in the best interest of Australians. If private entities fail then that is on them. It is not the job of the government to intercede or protect industry such as the media giants. If this bill passes, it's my hope that YouTube simply removes all Australian media companies from their platform permanently and blocks their reentry. Australians have grown tired of news media and we don't want to see the Australian government trying to strong arm a private business such as YouTube into favouring big media over smaller content creators. The idea that YT should have to supply or give notice to media organisations about algorithms or allow access to such trade secrets, copyright material, and intellectual property, breaches the rights of YT and forces them into a weakened position all on the premise of "making things fair". The simple fact is that if Australian media is failing that is their problem and they should rectify it themselves. If people wish to have news from independent sources be at the top of their feeds because that's what the algorithms calculator for them, then it isn't the job or the right of the Australian government to strong arm YT into pushing irrelevant partisan news feeds which no longer serve the people of Australia with a balanced view to the top. This bargaining code should be scrapped as it is simply a protectionist bully campaign by Australian news media which has become irrelevant and no longer make any money cause most people have decided to vote with their feet and not trust, watch or read the content these organisations put out. If people want to watch this, they will search and subscribe to those feeds and will get the information that way. YouTube owes nothing to anyone. They are a private business and as such have made a platform in which people can make money from creating content. News organisations have revenue streams from advertising outside of YT and if they fail because they don't get the hits on their sites, sales in newspapers or viewers on the TV then that's their problem. It is most certainly not the problem of the Australian people in which it is the JOB of the Government to serve, NOT businesses that are failing under their own incompetence. Scrap this silly code and simply tell the media organisations they are on their own and if they wish to succeed they need to do better.

Kyle Boddan

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

LET MAINSTREAM MEDIA DIE!

People under 40 will not miss the mainstream media.

William James Keeling

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Don't pass this law, it's ridiculous. It will destroy the platform globally and thousands upon thousands of people will lose there jobs. And this is probably the last thing we need in the hell hole of a year.

Please.

Billy Slater

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Hi,

As a youtube creator, I was dismayed to see the changes that News Media Corporations are asking for in Australia.

On the issue of algorithm changes. Every creator on youtube lives by the same rules. I do not see why corporations should be given special treatment in this regard. Whenever there is an algorithm be it in youtube or selling on eBay, people always try to game

the system and that never ends well. Would I like to know what the algorithm is, sure, because I could use that knowledge to get better rankings on YouTube. Is knowing the algorithm necessary to be successful on YouTube? Obviously not because there are many

creators that have risen to the top. Was this because of an unfair algorithm? No, these creators knew what kind of content did well on their channels and grew from there. I can see that corporations just don't get it and are seeking unfair advantages.

Personally, I tend to watch news from all over the world and don't really like the quality of reporting on terrestrial TV. I am 50 and have switched off from the Australian Networks due to the tactics that they use whenever possible. You only have to look at

the reasons that they cannot be trusted:

- 1) Running over time so that you don't switch channels
- 2) Moving programs at short notice.
- 3) Only showing first runs during ratings season and showing repeats when rating season is off.

For the above reasons, I prefer to watch netflix and amazon prime instead.

Collecting user data. I don't want corporations to have my data so they can peddle what they want to me.

Showing news. Corporations have lots of channels to show their news. Take for example the BBC in the UK, they have an app that I use to view their news. They can show ads to me if they like but they control their news in a way that they want and that they think

is appropriate for them. Should the BBC now be forced to open up their news app to other corporation? I think not.

Remuneration. All creator should be compensated for content they produce. But I would not want the corporations to dictate terms and what they appear to be asking for grossly overestimates the value of their content.

Corporations in the past have withdrawn their content from various platforms in the past and found that without google the numbers of eyes that were directed to their sites dropped.

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

If someone wants to promote a movie they do so with multiple channels being considered. In the same way these corporations have their own websites. If they cannot use their own television channels to advertise these websites and drive traffic there, how do

they expect google to do this for them. As in I can type in the address of websites that I wish to visit and bookmark them. If I want to view news from Australian corporation, I will visit them. I just don't feel drawn to the content on their sites.

To sum up, the corporation of Australia are old news playing by their own rules and getting nowhere. They are the equivalent of Kodak in the camera world and don't know how to compete in the new world. Instead of asking google for money and algorithms, they

should be seeking out leaders that can drive change within their own organisations.

Thanks

David

David Smith

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

To whom it may concern,

Having gone through the provided Q & A I am of the view that the Draft of the News Media Bargaining Code will not have the proposed effects and have concerns so great that I felt somewhat compelled to provide my views as to why it should be scrapped.

Firstly while the point was made "a strong and independent media landscape is essential to a well-functioning democracy" the code actually excludes any and all small/independent media because "an eligible news media business's annual revenue must exceed \$150,000,". This simple limitation turns the entire bargaining code into one almost exclusively for Commercial Media Organisations. Because of this, the entire proposal reads as a way for the Murdoch Owned Media Empire, which has a near monopoly to Media in this country as it is, to get more money off Digital Providers for their content. Which in turn then shrinks the remaining revenue available for the smaller independants, choking out the very media organisations that need to be developed to increase "a strong and independent media landscape is essential to a well-functioning democracy".

The other concerning aspect of this is the ability for Media Organisations to access algorithm data that would not be available to 'excluded' media or other independent providers. Due to the content being provided to users being subject to control using this algorithm, it is an unfair advantage that can then be used, to falsely inflate or overpromote these specific organisations who have access to it. this will just further choke out smaller independent Media.

These Digital Providers are the one few providers of a platform for small independent media that otherwise would be choked out of "traditional media" due to the overheads. It remains in my opinion that this draft, as proposed, will be signing a death warrant on the voices of the very media organisations it ought to be protecting. Please do not allow the Murdoch Media Empire to choke out the one alternative. Please Scrap this Draft.

Regards

Joel Sacco

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Since we are the ones using Youtube, should we not get a say in what we want to be catered to us?

If it's our data, then we have a right to who has access to it.

Since this concerns not only our private information, but also what we want to see and what we don't; then there should be a public vote on this bill before it's passed

Millard Bones

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Hello,

I don't agree with new bill being proposed about allowing the media to have the algorithm to YouTube and having a rise in pay for their content and will be extremely disappointed if this becomes legislation.

Regards,

Callum Stimac

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

I do not believe the mainstream media or any specific person or organisation should have any special treatment on social media or youtube or any such platform.

If its about money they should be paid the same as any other content creator and if its about getting the content to the top of the list then they should create good honest content that people want to watch and then it will get to the to via existing algorithms and they should not be given priority listing just because they are the mainstream media.

thanks

Jim Boyd

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

I want to voice my concerns on the new code that puts Google YouTube Facebook and other outlets at risk. It's an absurd concept and I am deeply worried about the future of my media sources and internet consumption in general. We do not need not want big media and advertising companies getting access to the things they would get access to, such as forced content consuming and data control. It would cripple the future of a lot of content creators and ultimately do no good for media consumption in general.

I write in hopes the concerns I have and I'm sure many other Australians include, will be put into deep consideration.

Regards,

- Anna Northey

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Hello,

I am providing my thoughts as a citizen of Australia on the potential passing of legislation towards forcing Google and youtube to reveal algorithms and pay for content.

1. Australian Media is in terrible shape due to its own incompetence and propaganda narratives.
2. Australian Media is mostly a monopoly. Youtubers and small independent news agencies are the only reliable source of news and will be hurt by the passing of the legislation.
3. The Liberal government is rife with Corruption and a legislation like this being passed underhandedly during a pandemic is immoral and dastardly.
4. It would hurt industrious Australians that have worked hard and created a living by adapting while rewarding a multinational for profit propaganda machine for doing the wrong thing, paying lobbyists to lie and swindle. This will hurt the economy and stifle News.
5. Handing the algorithm to Murdoch and other billionaires is like giving a mass brainwashing machine to the Devil. Youtube will die and another platform will arise but the PRECEDENT of this legislation will kill every new platform for Free speech and content creators lively hoods.

A recommendation: A royal commission into the Media and cut funding and payouts to giant news companies. Subsidise small local news papers. Help local news develop their online platform.

Fines and ARRESTS (CEO's and managers) for purposely lying about reports in the media (Journalists can be warned first time as they would have been pressured by their higher ups). (Obviously excluding satire and comedy, Liberals tried to silence them, thankfully the law didn't pass).

I want to see local news survive and we need more competition in the media. However you need to break up the big fish before you put them in another pond with the tech giants. Once you have, look at ways for small independent news to grow.

Big Corporations do not need assistance from the government, they have the resources to help themselves (They pretty much always spend 90% of their R&D budget on lobbying instead).

We need a super funded ICAC more than we need this legislation.

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

That was my 2cents based on my interpretation of the proposed legislation, feel free to contact me for more thoughts and rants. Would love a job at the ACCC! you guys have such an awesome responsibility to the Australian people.

Kind Regards

Christopher Clarke

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Dear Sir,

as a consumer, I wish to raise an objection to the new draft legislation, I think it is reprehensible that media outlets are making a grab for Google/YouTube/Facebook market. The main reason that I don't watch mainstream news any more is that they do such a a bad job of reporting the news and I find that I get better results from these 'new' sources.

It would be a shame that these media houses were to be given an unfair advantage by giving them the algorithms that create the feeds rather than having them raise their standards and produce quality content that is worth watching.

Please do not press forward with this legislation

Yours sincerely Darrin Ritter

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

To whomever it may concern

I am writing this in opposition to the proposed legislation, the "News Media Bargaining Code". I believe that passing such a law is an assault on the platform that many people my age have come to love. Passing such a code would crush the platform that thousands of people publish content to, all because the media refuses to improve their content and get up to speed. It is unfair and uncalled for to provide the media with an edge over other creators because they fail to publish content that appeals to people. Allowing the media to have the upper edge effectively prevents people from voicing their opinion if it opposes the media and this one of the reasons why YouTube exists. Much of the content is about sharing opinions on a level platform and giving a dying business a leg up is completely unfair.

I hope you come to realise that YouTube is not for the media, it is for creator content that comes from people, not large businesses struggling to hook in young people. I think I speak for most of my generation when I say that such a code is preposterous and an invasion of democracy and privacy.

Thankyou for taking into consideration my thoughts

Hayden Billings

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Dear ACCC, As of late I received an notice from YouTube claiming the news media of Australia wishes to change the law related to YouTube and its broadcast share, under normal circumstances I usually ignore open letters, and most suggestions to change laws, however in this case I feel my liberties are under threat and I must put my opinion forward regarding this matter. It is apparent to me that the news media of Australia and the big television networks are losing ground to streaming platforms such as YouTube and in turn are starting to lose money because of it, and wish to change the rules so that the market is fairer towards them. This reminds me of when radio was threatened by television, but it found a way to co-exist and a way to compete in the market and stay relevant, instead of demanding the rules be changed for them so they can continue doing what it always had done, like television is doing now. If television wishes to remain relevant in the future it should also find a way to adapt to this new world and new technology that is continuing to roll onward, with or without it, such is the nature of the beast which is mass media and entertainment. I anticipate however that major media corporations will do nothing and instead fade into oblivion, which should be permitted to happen. My request of you is to reject any changes to the current law and legislation surrounding mass media and the streaming service YouTube, and allow smaller content creators the same playing field, as current laws in my own opinion are fair and balanced giving all parties the opportunity to grow. Thank you for taking the time to read my opinions regarding this matter, and I hope you reach a fair an unbiased decision regarding this matter

David Wooldridge

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

"Dear ACCC, As of late I received a notice from YouTube claiming the news media of Australia wishes to change the law related to YouTube and its broadcast share, under normal circumstances I usually ignore open letters, and most suggestions to change laws, however in this case I feel my liberties are under threat and I must put my opinion forward regarding this matter. It is apparent to me that the news media of Australia and the big television networks are losing ground to streaming platforms such as YouTube and in turn are starting to lose money because of it, and wish to change the rules so that the market is fairer towards them. This reminds me of when radio was threatened by television, but it found a way to co-exist and a way to compete in the market and stay relevant, instead of demanding the rules be changed for them so they can continue doing what it always had done, like television is doing now. If television wishes to remain relevant in the future it should also find a way to adapt to this new world and new technology that is continuing to roll onward, with or without it, such is the nature of the beast which is mass media and entertainment. I anticipate however that major media corporations will do nothing and instead fade into oblivion, which should be permitted to happen. My request to you is to reject any changes to the current law and legislation surrounding mass media and the streaming service YouTube, and allow smaller content creators the same playing field, as current laws in my own opinion are fair and balanced giving all parties the opportunity to grow. Thank you for taking the time to read my opinions regarding this matter, and I hope you reach a fair and unbiased decision regarding this matter."

Kind Regards,

Sean Morris

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

> To whom it may concern,

>

> No company or individual deserves special treatment or advantage in a free market, old media will either learn to operate in a new and open online media landscape or they won't.

>

> Consumers should be the only deciding factor for success or failure in the market, it's paramount that the internet remains free of government interference beyond what is reasonable i.e content or services that break current Australian or international law should be the beginning and end of our government's involvement in how an online company operates in Australia.

>

> To summarise I find this proposed law egregious and at complete odds with the the Aussie 'fair go' spirit.

>

> Sincerely a very concerned citizen,

>

> Lawsen Wearne

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Hi There,

Recently it has come to my attention of the recent News media bargaining code legislation that is currently under review by the Australian parliament.

Given what the legislation will do, and the benefits it will provide to more conventional media institutions, are you able to explain to me how this is not considered anti competitive behaviour? It states that it will grant media organisations exclusive access to YouTube and google data, which would be fine in itself if this luxury was granted to all other members and individual news producers and not just groups such as NewsCorp, Warner Media to name a few. Moreover, and more importantly in my opinion, is the seemingly egregious compensation YouTube would require to pay to these institutions in the hundreds of million dollars every year in compensation. For what? Are you able to explain why they need to pay this compensation for?

Although it may be ironic me asking why a company such as google, but more so YouTube, a monopoly about experiencing unfair business practises (and they are by no means perfect either), it can and does provide an even playing field for alternative news sources, which is a fundamental condition in all democracies. I believe this legislation will undermine one of the important pillars of our democracy, a well-informed population, one that can have multiple news sources. If you do not believe this is the case, feel free to disagree and explain why. However, beside that matter, what is the ACCC doing in regard to this legislation?

Regards from a concerned Citizen

Hunter Fraser

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

As an Australian citizen, I am usually very happy with the work that is done by your commission. Ensuring fair and equal competition in an economy is something that leads to huge benefits for both the economy and the average consumer such as myself. This is why I am frankly baffled that your commission is pushing through this code. The internet has provided a platform for thousands of individual creators to express their views and create new and interesting content for thousands of people to see. Some of this content has also created more competition for media companies, who before did not have to worry about individual creators being able to directly compete with them.

Then, what does the ACCC decide to do in response to this? Do they attempt to provide these new up and coming creators with the tools and resources necessary to help them compete with the already established conglomerates in order to ensure an even playing field? No, instead they decide to give an unfair advantage to media corporations to allow them direct insight into how to outcompete smaller content creators to get their news stories to reach a wider audience. This stands in direct opposition to all established concepts of fairness and competition, and the fact that the ACCC itself is supporting it is disgusting.

Furthermore, as a consumer of news myself, this code seeks to inhibit my ability to search freely for the news that I might wish to search for myself. With large media companies able to collect my data to send me news that targets me directly, it harms my right to search out news sources for myself.

I truly hope that the ACCC reconsiders this draft code, as it is only bound to harm many of the features that make the internet such a great place for creativity, content creation, and individual creators.

Sincerely,

Harry Duncan.

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

> Good afternoon

>

> I wish to offer my support to the ACCC in its actions, if any, against Google and like organisations.

>

> I was appalled to receive a communication from Google asking me to support its position against the ACCC. They helpfully supplied contact details for communication of my support to your organisation. But rather than support Google I write as a concerned Australian to wish the ACCC success in its endeavours. For my part I have already changed my search engine from Google and will do the same for other Google products.

>

> Regards

> Margaret Beardow

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Sir / Ma'am,

I strongly oppose the Draft News Media Bargaining Code (the Code).

The submission by Google raises concerns which are addressed in a response by the ACC however, the ACC response is dishonest in its explanations of the true effect of the Code. For example, the ACC response indicates that news companies would not have an unfair advantage as they would not know how a change in the search algorithm would work. This implies that, even though a change has been notified, that the news companies would not know how to circumvent that change to gain advantage however, the draft code states that "the notice describes how the registered news business can 8 minimise negative effects of the change ". This would clearly give the news company an advantage since they would be informed of how to circumvent or minimise the impact of the change.

This draft raises many other concerns which are against the public interest, giving rise to state controlled news delivery. It is a well known fact that many Australian news companies are aligned with Government factions and this Code would further strengthen their hold over Australian news by permitting news companies to rank their content above that of the free speech channels.

The Australian Government has no place in the control of news delivery, nor should it interfere with the negotiations between business enterprises. Content copyright laws are in place to protect the rights of content producers and the news companies should use copyright provisions to protect their content. There should not be any Code or other legislation which singles out one or more content channels for special treatment.

We already have censorship laws in Australia and, continuing to legislate against the free provision of content, and the inequality of ranking of that content, will erode our freedoms further. This Code is tantamount to moving our country towards the controls in place within countries such as China.

There is no need for this Code. The Government should succumb to pressure from controlling news companies with a single minded agenda which is not in the best interests of the general Australian public.

Sincerely,

Phil Allen

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

- > To whom it may concern,
- > As a user and content creator using YouTube and other social media platforms I find this proposal infuriating. The fact that these big conglomerates are pushing for a law that will in turn give them an unfair advantage in an already tough space.
- > The passing of this law will allow major media groups to take over these platforms by unfairly receiving information to place them on the top of searches and recommend lists. This in turn 100% effects the revenue and possibilities of revenue to small operators.
- > The backlash from these decisions are enormous and mainstream media should be focusing on doing a better job at what they do instead of focusing on manipulating the system.
- >
- > Adam Kilpatrick

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

The media companies in Australia shouldn't be given preferential treatment for failing to adapt to new technologies. There are many, more deserving industries, that have been impacted by COVID. The major news corporations in Australia are in the pocket of the Murdoch press, so free and unbiased journalism and information is absent for those found wanting.

Whilst an American company shouldn't be able to dictate the speech of foreign entities, those foreign governments should not hold sway over the words of the people. Freedom of information and government bias is what separates the free world from the likes of the Chinese Communist Parties authoritarian control of information censoring the Tiananmen Square Massacre and North Korea's horrors perpetuated during The Long March.

If the Australian media gave information worth consuming then most Aussies in the key demographic wouldn't be switching off, if a non-essential industry dies, the Government shouldn't be keeping it on life support. During the GFC, the Australian Video Games Industry was heavily impacted due to relying upon overseas contracts, and when a program was introduced to help fund and aid these local businesses, the Liberal party scrapped Labor's initiative before it was put to use. So why is the News Media getting a leg up? Because the news media in Australia is an extension of the Liberal Government's propaganda arm. Where ScoMo gets to avoid hard questions, and Albanese's efforts are taken credit of.

That is my summation as to why the Australian News Media has proven itself to be unreliable and shouldn't be given this preferential treatment and access.

- **Mark Patten**

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Dear Reader,

I have been informed of this new proposition that is totally inappropriate. If the main stream media can't compete with social media, then it should be left to die. They are dishonest with hidden motivations that they never disclose. It's very hard to find a real journalist in msm, only activist. Passing this new bill will be terrible.

Regards Adrian Ryan

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

To whom it may concern,

We have some serious concerns regarding the Bargaining Code draft legislation that has been proposed.

For starters, we believe this will hamper the ability of Google and Facebook to keep their platforms fair, and free. This draft will inadvertently give power to big news companies, those of the likes of News Corp, and disadvantage smaller creators, such as youtubers and news companies.

Don't pass this law. No one wants it. It is not only unfair, it is going to effectively destroy the level-playing field that google and facebook provide to their users. Genuinely no one, except big media who is largely falling out of business, wants this law. Make the right choice.

Kindest Regards,

Yianni Kyriacou

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

I support Google's position on this. News aggregators should not have to pay to curate work that has been placed in the public domain. They are providing a service.

By 'pay' I include divulging proprietary information and/or users' details including anonymised data. This is a problem that is open to a market-based solution and does not need government interference/intervention. Google has provided many benefits to users. Alternatives to Google are freely available and content providers have no trouble putting up paywalls. It seems as soon as a company finds a winning formula in the free market Government steps in to waste taxpayers money trying to micromanage it. Cease this collectivist thinking and get out of free markets.

Derek Watson

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

> Hi ACCC,

>

> I just wanted to say that the proposed law to massively amplify the voice of mainstream media on YouTube is terrible for both free speech and open competition in Australia.

> As the ACCC this is the exact type of cartel conduct that you should be specifically trying to prevent - large businesses using their power to prevent opposition from entering or competing in the free market.

> I sincerely hope that you can stop this ridiculous and obviously immoral attack on free speech in Australia.

>

> Thanks,

>

> Declan

>

> Declan Pearson

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

To whom it may concern.

This new piece of legislation should not pass, it is completely unfair to all small content creators.

Kind regards,

Gavin.

Gavin Matthews

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

By introducing anti-capitalistic laws to guard the short term interests of established businesses in Australia, you may harm the long term prosperity of the Lucky Country. By requiring companies such as Google to display their search algorithm you are introducing inefficiency. Your views on how these search algorithms work seems akin to a library. But if you look at companies like TikTok (that has been in the media so much lately) you'll see that large parts of the algorithm are run by artificial intelligence (AI), and that people LOVE this algorithm. They love it because it serves them unique and interesting media.

As a software engineer I have followed some of the academic updates on artificial intelligence and have a vague understanding of how this works. The results of these AI driven search algorithms are simply not quantifiable by a person. When Google's AlphaGo AI beat Lee Sidol, the world Go champion 4-1 last year, the AI played a move that Lee Sidol described as a "God move". A move so beautifully crafted that it forced Lee to reconsider his entire understanding of the game.

I bring this to light because by forcing companies such as Google to S-P-E-L-L out exactly how they do things you risk hamstringing them because they simply won't be able to explain it.

This may lead to a reduced search engine functionality of products like Google.

My great fear is that when I go to search "how to save money for my children's future" I will get [news.com.au](https://www.news.com.au) articles, instead of a blog post from somebody's blog that might actually help me. I will get these crap articles because it will simply be the best that the algorithm can offer me. No different from the algorithms of the 90's when internet search was basically unusable.

Please don't hold our country back.

Sincerely,
Huw Llewellyn

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

To whom it may concern,

Please reconsider the legislation that will grant corporate media an unfair advantage on the YouTube platform. These outlets are already on a level playing field with independent creators. It is absurd and chilling that large corporations have used the politicians in their pockets to get this legislation so far already.

The value of YouTube is that it isn't playing favourites and grants the same opportunity to all content creators based on merit (views). By favouring corporate media, viewers will suffer by being exposed to a limited narrative. Content creators will suffer in the pursuit of their livelihoods due to reduced views. Meanwhile, traditional media outlets will once again be granted preferential treatment that one would expect in an authoritarian state where corruption and cronyism are the norm.

This doesn't even touch on granting unfettered access to user data. In what world would the Australian government ever mandate that media users be required to share their data with PRIVATE companies? Moreover, to pass this legislation would send the message that the government is for sale and will bend over backwards to protect anyone with enough money to get its ear.

Please don't even let this come to a vote.

Regards,

James Gilchrist

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Hi,

I am not comfortable with media companies getting details about the YouTube algorithm and user data, this is the breach of user privacy and undue advantage to media companies over small creators like me.

I believe the fair bill would be to just bargain your content with Youtube and publish with them only if they agree to that price. Else, you are free NOT to publish on any social media platforms. Demanding user data and how their algorithm operates is a completely unfair advantage to big news corporations over small creators.

I have a complete faith in Australian government that my voice would be heard and my YouTube business wouldn't get stopped due to this bill. Please assure that small creators won't get impacted and their revenues will still remain the same as they are now, after this bill is passed.

Regards,

Manish Verma

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

> I am an Australian citizen, born and bred.

>

> I would like to protest the disgusting, un-Australian and unfair news media bargaining code being introduced.

>

> This does not represent the common thoughts of the people of our country. This piece of legislation/code is to the detriment of all artists, content creators, digital media consumers, and the democratic process.

>

> What can be done to stop it before the current government corrupts and dismantles the one remaining free unbiased method of which we can use to access non multinational owned news media. Commentary, information, and dissemination of facts can not happen fairly and justly in Australia they if this code comes in to effect.

>

> Ian Nicol

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Hi I was just emailing to put my opinion out there, I strongly feel that it will not be a good or beneficial law for small channels and overall consumers as it will restrict and restrain what we consume on a daily basis and will prevent us from discovering more and more things and will force us to otherwise watch the same things over and over again.

Thanks,

Shannon

Shannon-Louise Wakefield

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

To whom it may concern, It is my belief that your attempts to monopolize the media in Australia will likely pass, however it will not be with my support or the support of many others and this number of "others" is steadily growing. In time we will have enough voices to shut down this proposal or what I believe is most likely to happen, get it repealed should it pass. Make no mistake though you may win a short term victory you will eventually lose and I don't think I need to tell you how you can avoid this loss and eventual tarnishing of your reputation, stop now, before you cannot come back from this lest you be relegated to the rest of the untrusted and unsupported companies in Australia. I hope you will make the correct choice.

Sincerely

Lachlan McIntyre

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

To whom it may concern,

I am a regular watcher of Youtube and rely on it heavily for my news, and I wanted to weigh in on my thoughts about proposed changes to Youtube. If legacy media are dying and increasingly can't compete with new media for views, then that's on them. Youtube is one of the last areas where a relatively free exchange of ideas can take place, and is a great place for talented media unknowns to get out there and make a name for themselves. It says a great deal about legacy media that despite all their money they are struggling to compete with non-corporatised content creators in an open market.

If legacy media can't keep up then they should be allowed to fade away and die. They certainly should not be given preferential treatment over content creators who got where they are on competitive merit.

Regards,

Huw Tuffin

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

broadcast share, under normal circumstances I usually ignore open letters, and most suggestions to change laws, however in this case I feel my liberties are under threat and I must put my opinion forward regarding this matter.

It is apparent to me that the news media of Australia and the big television networks are losing ground to streaming platforms such as YouTube and in turn are starting to lose money because of it, and wish to change the rules so that the market is fairer towards them. This reminds me of when radio was threatened by television, but it found a way to co-exist and a way to compete in the market and stay relevant, rather than demand rules be changed for them so they can continue doing what it always had done, like television is doing now.

If television wishes to remain relevant in the future it should also find a way to adapt to this new world and new technology that is continuing to roll onward, with or without it, such is the nature of the beast which is mass media and entertainment. I anticipate however that major media corporations will do nothing and instead fade into oblivion, which should be permitted to happen.

My request of you is to deny any changes to the current law and legislation surrounding mass media and the streaming service YouTube, and allow smaller content creators the same playing field, as current laws in my own opinion are fair and balanced giving all parties the opportunity to grow.

Thank you for taking the time to read my opinions regarding this matter, and I hope you reach a fair and unbiased decision regarding this matter.

Regards,
D. Boyd.

Dylan Boyd

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Good Evening,

I am against the news media bargaining code.

Thanks,

Elizabeth Barrett

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

To Whom it may concern,

I think that is ridiculous to allow the news and media to have a say over how we use YouTube and google.

I use them specially to avoid all the nonsense we get on out regular free to air tv.

Regards

David Smithwick

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

To whom it may concern,

YouTube is an independent platform that pays according to views and ad count. If the certain media outlets want more revenue from this independent platform then they should create content that more people want to watch. They are getting the cart before the horse here. It isn't their lack of knowledge of how YouTube's algorithm works rather people simply don't want to view their content any longer.

The media outlets don't have to use the platform of YouTube if they choose not to. Therefore the act of demanding more money for their content plus the algorithm plus the user information is a complete an utter monopoly of the platform and not at the heart of any democratic nation.

We as a nation hereby ask you not to go ahead with these disgraceful, dictatorship like legislations.

Yours Sincerely,

Heath Malcolm

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Dear ACCC

Thank you very much for producing this draft code. Democracy and good governance in Australia is undermined by the demise of Australian news media businesses who are not paid for their news by digital platforms.

Could you please have the code apply as widely as possible to discourage digital players from changing their delivery mode to evade the impact of the code.

The effective introduction of a system that facilitates the proper financial support of quality journalism would be a great area for Australia to demonstrate world leadership.

Once again thank you for this work and the other great work the ACCC often undertakes.

Kind regards

Allison Barnes

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

To whom it may concern,

The bill that is currently being considered by the leaders of our great nation is in my humble opinion reprehensible. I am a high school senior in Sydney, NSW and have recently been made aware of this possible legislation from the home page of Google and their 'open letter to Australia' detailing all the ways that the news media are trying to give themselves a 'leg up' in a contemporary society that doesn't respect or trust them anymore.

This is a slippery slope whereby if this law is to be passed it sets a dangerous precedent for other countries' news media to follow suit. Platforms such as Google and YouTube are places where we as the people can share our thoughts and beliefs. This cannot be the case if the news media is given the algorithms that control what we see as they can then Bury and discredit anything that does not conform to the version of events that they are pushing. It is also my belief that it is absurd that they are demanding to be paid sixty times their current amount even though the vast majority of people under the age of forty-five either don't trust or don't even bother watching the news given it's obvious bias and their constant omission of the whole truth.

I explore you to stop this bill where it stands and allow us the public to have our own journalists and trusted investigators who aren't constantly under the thumb of those huge corporations run by Rupert Murdoch and the like.

Yours Sincerely,
L.J. McDonnell

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

I believe this new legislation will hurt independent media in Australia unfairly, and ultimately create a less diverse and more homogenous media industry. This legislation will push out independent voices and opinions by giving an unfair advantage to established media.

The current news media is failing to adapt to the new paradigm in news and media consumption growing on the internet. This does not give them the right to legislate an unfair advantage for themselves because they cannot keep up with this new media.

Australia already has a homogeneous media voice, i.e. most of the journalism comes from only 3 major media companies (Fairfax, NewsCorp and the ABC). In recent years, some Australians have stepped up and attempted to provide an independent view that is not controlled by corporate interests. For example, Friendlyjordies has built a viewer base on YouTube that presents alternative opinions to the mainstream media without solely relying on corporate advertisement money, as they rely on direct donors to supplement advertising revenue. They are therefore able to be a more independent and critical source of media.

The ACCC should be responsible for fostering healthy and fair competition in Australia. If this bill is allowed to pass, in my view the ACCC would have failed in its job to keep the media in healthy competition. Media and news sources would consolidate further, and as a result accountability and criticism would diminish as there are less objective and independent voices to challenge them.

Please do not go ahead with this bill. I believe Australia deserves a more diverse and accountable media industry that are able and willing to challenge tough issues without the influence of the corporate sector.

Regards,

Thomas Harkness.

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

A proposed law, the News Media Bargaining Code, would force us to provide you with a dramatically worse Google Search and YouTube, could lead to your data being handed over to big news businesses, and would put the free services you use at risk in Australia.

I dont think this is right and I want you to stop it

Michael Shaw

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Hi

I believe this new law is going to crush small YouTubers and big corporations like the news don't deserve to get what they want by force we have a say and we will fight this bill as it's ridiculous.

Cheers

Arman Obeidy

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Hi,

This is in reference to the Draft-Bill proposed by ACCC.

Few things I would like to quantify are:

- If the Changes to the algorithm are made - who will be measuring the impact of the results ?
 - Google/Facebook have clear IP around algorithms and a proper measurement criterion should be outlined to identify significant impact in search results - due to tweak/changes/modifications of the algorithm
- Why can't a click- based revenue sharing model be proposed to Google and Media outlets, just like Youtube/Google Adwords
 - This can be an incentive for media outlets to gain fan following on thier digital platforms as well
- News articles proposed by outlets like 'Financial Review', 'Financial Times' are anyways not visible unless the media outlets decide to make them public.

Thanks

Sushant

Sushant Pandey

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Good Evening,

I would like to provide my views on the draft news media bargaining code legislation.

Having read the draft legislation, and with due consideration of the current context within which the legislation has been drafted, I would like to express my grave concerns. Broadly, the grievances I have are discussed following.

Fundamentally this legislation is predicated on a misapprehension of the interaction between news media, indeed any online entity, and digital delivery services. **Revenue potential for news media is ALREADY substantially improved by indexing of content on digital delivery services.** By virtue of indexing content, digital delivery services direct traffic and potential revenue to websites. News media, similarly to other online entities, are then facilitated an opportunity to derive revenue from the increased traffic provided them by digital delivery services.

Establishing a revenue criteria is anti-democratic in that it privileges established news media. Enacting the legislation provides an unfair advantage to established news media over small business and up-and-coming news entities. In an increasingly interconnected world, we find ourselves seeking journalism from numerous sources, accessible via indexed search engines. Until the advent of the internet, limitations were placed on the range of public opinions published by the leading news agents. Indeed, there has been nothing subtle about the campaign of agenda driven news dissemination by leading national corporate news agencies such as NewsCorp.; The most recent two decades has seen an explosion in diversity of published opinion almost everywhere; the exception being archaic print and television media businesses. This legislation will provide ongoing support to a dying 20th century industry.

Privacy of user data is not able to be guaranteed under the proposed legislation. News media exhibit an unequivocal influence over public opinion and politics. The legislation makes access to individualised user data a foundational component of the interactions between news media and digital delivery services. Provision of personalised data to a machine of public information control is an egregious breach of the privacy of Australian citizens and will have far reaching implications on. I recommend the legislation, at the very least, be redrafted to omit clauses relating to compulsory provision of user data.

News Media content will be artificially boosted in comparison to other online entities. This legislation confers an advantage to established news media over other entities which host content of similar character to that which appears in indexed searches. This law will provide unfair advantage to news media to ensure that they maximise their content with the digital delivery services algorithms.

This reeks of crony-capitalism. Those who influence public opinion and, as such, the government have lobbied for a bill which provides them an unfair advantage upon which they are able to sustain their waning relevance and revenue.

In good faith,

An Australian citizen and consumer of news media,

Rohan Hammond

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

To whom it may concern,

I was going to talk about the tech industry and its intersection with the news industry but that would be asinine as I don't have the time to write a 1000 page thesis on how the internet works.

Your stupidity knows no bounds, so if you want Rupert Murdoch and his ilk to dry buck you, I will fight for your right to practice your kink.

BUT how dare you propose to force the general public to take that crusty old wang also. We do not consent. Consent is IMPORTANT just go ask your HR dept.

Shame, shame, shame (A Derryn Hinch quote from your generation, i know he was a hero of your lot).

Regards, Adam

P.S. Please employ some people under 50 years old and not corrupt, I said "NOT" corrupt. Understand? Corruption is bad. So less of it please ("it" being corruption)

STOP THE CORRUPTION <- This i agree with.

MORE CORRUPTION <- This I disagree with.

I don't know if I was clear here but I am trying my best

Adam Dow

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Hello,

In regards to the News media bargaining code, I'm providing my opinion in which I'm comfortable with all details being rendered public, except for my contact information which is easy enough to dig up anyway.

This draft provides a completely unfair advantage to established media organisations in a rapidly changing environment. Given that there is a very limited space on youtube frontpage to display an enormous amount of content, by providing the details of how this content is chosen more of it will be consumed by these media organisations. While they already have a dedicated news space that is localised for them.

Australian news media has enough exposure in this window as it appears on computer sized resolutions without even scrolling. However, this will impact Australian content creators by limiting an already small exposure and revenue space even further.

While Google has held back information and has had practices that are questionable, one thing they have done well is providing a completely even playing ground in terms of interpreting the algorithm and adapting to a changing media ecosystem. Fair dinkum is two-sided, it means giving a fair shot to the small folks, but also making sure the big guys have the same shot.

Tom Wilding

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Dear ACCC,

I am alarmed by the News media bargaining code and wish to have my input addressed.

This is most efficiently done by pasting this article by Stratechery analyst Ben Thompson, with which I agree:

<https://stratechery.com/2020/australias-news-media-bargaining-code-breaking-down-the-code-australias-fake-news/> (attached as a PDF)

I'm as much of a fan of making Big Tech accountable and pay as the next person, however this proposed code is backwards. Google shouldn't be paying News media, it should be the other way around (if it's going to be mandated at all). Your code is stuck in a 20th century world view where media is dominant with high fixed and marginal costs, not a world of near-zero marginal costs and infinite distribution.

Publishers can already block their content from search engines and social media sites, but actively choose not to. Why?

Why does the 'indirect value' only work in the publisher's favour, not google and facebook's? How do you account for the indirect value of being able to effectively control the political narrative in this country, to personal power and profit ends? Why are the main companies fighting against even vaguely reasonable climate action the same countries with dominant Murdoch media empires in them?

This reads as a Murdoch protection bill.

Adopting it would result in significant legal and compliance costs, increase the risk of content and services being removed from Australia by big tech companies, and do the opposite of its stated purpose towards free speech.

Key elements are also impractical, even if you agree with the premise and the strategy, e.g. requiring moderation capabilities on every potential FB user across the globe, inside Australia or not. Look at the disastrous GDPR or safe harbour provisions for examples of what can happen with even well-intentioned legislation gone myopically wrong in practice. There's a lot of junk in mainstream media, now you're proposing to incentivise the creation of

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

more of it so Google and Facebook are forced to pay every time it's shared?

My only hope is that if this does go ahead, you and the industry shoot yourselves in the foot and the major platforms simply choose to depublish the generally low quality drivel coming out of MSM, especially from Murdoch publications. At least make it pay to play. I suspect, however, that the effect will be further solidifying these incumbents, which was the intent of this bill and their lobbying all along. Some free money from rich tech companies to prop up an old world business model based on centralisation of thought and hence political power, rather than actual value creation, is a nice bonus if you can get it, I suppose.

I also hope that this doesn't make major tech platforms simply avoid Australia, or lessen their services here, due to a hostile regulatory environment that's completely divorced from the real world and the actual incentives around innovation and value creation that should be encouraged, rather than old world model protectionism for LNP donors.

This proposed bill represents a MASSIVE power dynamic mismatch in slant of news media, specifically 20th century publishing business models at the expense of 21st century ones. The latter result in more open information, more debate, more transparency, more democracy and more efficient access than the former, even if you disagree with the power of Facebook and Google in particular, which I do, but I disagree with their Advertiser power. That's the real power imbalance that needs to be rectified, especially vis-a-vis their ability to cut people (such as small business owners, of which I am one and know many) off the platform for arbitrary reasons with no recourse.

David

David Kellam

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

To Whom it May Concern,

I am writing this email in regards to the proposed News media bargaining code, and the objections that I have about it.

This new code of conduct goes against the very nature that the ACCC stands for, promoting competition. While it may seem that that the code provides a more level playing feild against digital platforms and news corporation, what it does in reality is provides large news corporations to get a competitive edge over smaller, independent content creators, providing new corporations with unprecedented access to user and platform information. Digital platforms such as Google and Facebook are not publishers of news, but are a platform that allows the best content to be seen by the most people, the very definition of a competitive system. If this News Media Bargaining Code goes ahead, the fairness to not only smaller independent news provides, but other content on the internet as a whole, will no longer exist, with Large News Corporations having more control over what people can see than ever before.

I hope that you will reconsider the very nature of this code, and at the very least, what until after a national emergency for these sorts of discussions to even take place.

Yours Sincerely,

Benson McClelland

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Please see my blog post regarding feedback on this proposed code.

As the deadline approaches for feedback, a lot of Google and YouTube users may have likely seen Google's open letter to Australians regarding the draft News Media Bargaining Code. In summary, the draft code aims to provide news media businesses with the tools to seek payment for news produced and used on Facebook and Google, plus it requires Google and Facebook to share with news media businesses what user data they collect, how it is used and provide 28 days notice of planned changes to search/ranking algorithms.

I'm not of the opinion that we should defend the monopoly of Google and Facebook generally speaking, but this is a separate issue of government meddling to manipulate a free market transaction and give particular advantage to the establishment news companies in Australia operating in the digital space.

There are several concerns, as I see it.

1. The arbitration process where an agreement cannot be made is inherently slanted toward the news media business. If an agreement cannot be reached through negotiation and mediation, the two parties are required to submit their final and best offers to the arbitrator for a decision, obviously geared to be in favour of the news media business else this proposed code wouldn't exist.

2. News media businesses run their own digital marketing agencies and this code proposes to hand over the keys to the kingdom with respect to ranking algorithms to these news media businesses by providing 28 days advance notice of changes to allow the news media companies to pivot before said changes take effect, thus allowing for a significant competitive advantage. It is unclear if this is specifically limited to news-only algorithms or all search ranking algorithms.

3. This really hurts small and independent news content creators. The hypocrisy in concern over big digital companies having an unfair market advantage and bargaining position is reflected in the government's push to provide an unfair market advantage and bargaining position to the news companies in Australia.

4. Google's thinly veiled threats to charge for currently free (ad supported) services are likely bluster, but are in poor taste nonetheless. Especially given their open letter to Australians alludes to being forced to hand over user data which the draft code does not allow for in its current presentation.

5. The draft code states it only applies to independent news businesses in Australia however all news reporting is through a political or commercial lens, and if our news companies were truly impartial why would they have not reported on this proposed code which provides them with a significant advantage?

Ultimately, this needs to be re-thought because the consequences are significant.

Regards,

Drew

Drew Pollock

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

For Consideration.

As a contributor to the YouTube platform and owner of a number of websites with content, this proposed legislation has me concerned about a number of things.

Competition

It seems to me that providing any commercial organisation an advantage over other similar organisations is simply against fair competition. Unfair competition is, traditionally, exactly what governments are against. I believe we have an Office of Fair Trading in every State of Australia.

The *Australian Consumer Act* and the *Competition and Consumer Act 2010* in Queensland both talk about unfair practices.

Statements on these pages like ‘Every Australian business has the same rights and responsibilities under the [Australian Consumer Law \(ACL\)](#)’ and ‘covers anti-competitive conduct’ surely indicate that any legislation that gives any company an advantage over another is in opposition to these laws.

Privacy

In today's environment we are all concerned about our privacy. I know I'm concerned about what companies like Google and Facebook know about my activities. I see this in targeted advertising they generate on their sites. This is all bad enough, but I understand that information remains inside their company.

My understanding is that this law may force companies like Google to provide that information to outside companies. While it is reasonably acceptable for a company to gather information about their customers, as most do, it is not acceptable that they are then obliged to share that information with outside companies.

No legislation should empower a company with the ability to demand, or in any way acquire, another company's corporate data that they have acquired to better market to their customers.

Search Algorithms

If this legislation provides the ability for these news companies to demand information about any of Google's search engines, either on YouTube or any platform, that also is akin to unfair competition.

The business world is always in discussion about how best to promote themselves to obtain top ranking in search engines. This is part of competition. If these news companies obtain information about how the search engines rank their search results, then they would have an unbelievable advantage over all other businesses. Not just in the ‘news’ industry, in all industries.

I am in the glass art industry. I can imagine a news corporation having a news report about the glass art industry. If they can force their content to be shown in preference over all others, then any results for my website or content would be relegated to a lower position.

This is blatantly unfair and against what I believe are current Australian laws.

I assume that this proposed legislation has been designed to address the issue of providing the public with relevant news. But that should not be at the expense of fair competition or privacy issues.

We can't fix one problem by creating others.

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

There must be a better way to do this than by giving what are considered core news companies an unfair advantage. All companies must 'compete'. Large companies already have an advantage over smaller companies because of their more extensive resources. They should not be given this unfair advantage just to solve this news issue.

Jeff Pritchard

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Dear ACCC,

I would like to keep this message brief, as I am aware of the current situation regarding YouTube and you receiving emails from multiple complainants, and do apologize if the message does get a little long.

This proposed new law I believe is not a good idea to enact. While it does seem good to have companies more open about data in this day and age, it also seems note-worthy to discuss some faults within the bill, most certainly in regard to News Outlets having the ability to use the data and manipulate it to their advantage.

This is concerning, as not only do Televised News Outlets receive less views due to the advancement of technology, they will be manipulating an oligarchy of data which only they and YouTube will have access to (if the bill does indeed pass). News Outlets like CBS and ABC, will use this data, to push false narratives through the methods of manipulating the data they have access to, and hinder development of actual news.

Along with the previous point, if the bill does get passed, we will see a decreased report of funds being earned by the company of YouTube, due to requests by televised media outlets for YouTube to hand over money without their consent. This hinders growth for content on the platform of YouTube by decreasing funds for creators to live on. Not only that, but news outlets would most likely pocket this money, as there would be no incentivized reason to use that money to make their news content better due to television having decreased viewership due to the advancement of today's technology (as mentioned previously).

If the concern however is data and how it is received by YouTube; I agree in having the data public or in the care of the government, but to give it to those who will misuse it will be catastrophic to the media landscape as a whole.

I do reiterate in apologizing for the message, as I am sure you are dealing with many emails at the current time. Do not pass this bill and let the media outlets misuse this data, and if the ACCC does acknowledge issues regarding data, do not let the media have control over the data, YouTube's funds, and ability to manipulate the data to gain false social standing within the landscape of media.

Thanks for your time,

Xoinatos

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

At this point in time I don't know how people can let these type of laws pass by, it took the invention of the internet to create an independent media source away from the politically motivated

garbage that the generation before us relied on, we need independent media if companies don't want to accept that their old model won't work they should fail and go bankrupt that's how capitalism works. Good ideas are rewarded and Bad Ideas, like the aforementioned

code, fail. That's how it should be not big companies realize they won't always be in control forever so they pay off crooked, pathetic politicians to make it so the public never evolves past their greedy, broken model; getting in the way of evolution is against

nature and this behavior is one of a desperate company that cannot deal with competition of true public opinion. So please instead of ruining what we've all come together to make please just let outdated companies die, nothing will last forever and neither

will they and it's time large cap companies learn this lesson.

Nathaniel L Torres

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Good evening,

I've worked in various parts of the IT sector, with about 20 years of this in Australia and 9 years overseas. I've specialised in Cybersecurity for the last 20 years and I'm currently employed by DXC Technology, which is a US-based IT services firm. Aside from my direct professional role I follow technology broadly and have a strong interest in technology business models, technology policy. Note that my submission in response to the draft code is being written as an informed Australian citizen and is not related to any position or views of my employer.

I was made aware of the draft code recently when I received a letter that was sent from Google to my personal email, and this week there was also an article about the code in Stratechery, which is a technology strategy newsletter that I subscribe to (written by Ben Thompson who is a well known American technology pundit and theorist, based in Taiwan).

There are many aspects of the code of conduct that are concerning. The way that it frames the interaction between the major digital platforms and news organisations is a significant issue. The code indicates that the digital platforms have a bargaining power imbalance and it is very clear that the code is using this to justify that Australian news organisations should be paid by the digital platforms. The nature of a global internet means that all news services that are openly accessible on the internet are a commodity - this is a seismic shift which means that the business models of news organisations have needed to change. This shift is not just because of Google and Facebook, and some of the established news organisations (most notably The New York Times) have adapted quite successfully.

With news no longer constrained by distribution costs we're all aware that there has been a major impact on many news organisations across the globe (particularly print news). Two decades ago I would usually read The Age as my primary paper, but this was because I considered it the least worst option - there were a lot of things about all of the local papers that frustrated me. These days in a full-on internet world I subscribe to three news services - none of which are owned by Nine Publishing or News Corporation, because I'm just not satisfied with their news coverage. The suggestion that these news organisations are not getting treated fairly by Google and Facebook seems to be either sloppy logic or

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

disingenuous - because the business model challenges are broader. Print media had declining circulation before the internet as well and so it seems very likely that their businesses were already in decline before they hit the drastic shock of the internet. I agree that good journalism and news services are important to democracy - but this isn't the same as saying that the incumbent news organisations are important. This is a difficult transition time and some of the previous generation of news organisations are likely to lose out to newer and more specialised ones.

While the business model aspects of the code are very problematic, I'm even more alarmed about the suggestion that news organisations should be able to make changes to comments that people have made in the digital platforms about news stories. The clear implication is that news organisations would be able to filter and block comments in Facebook posts about their stories by members of the public. If a news organisation permits comments on an article as part of their service, it is obviously appropriate that they are responsible for reviewing and filtering these comments. However Facebook posts can be published by anyone to be read by their friends and family - sometimes these comments are just a private discussion, while of course occasionally these commentaries are shared more broadly and become part of public discussion and debate. The idea that the news service who published an article that is being discussed should then be able to control the commentary about the article is quite shocking. This is completely at odds with Australia's democratic principles.

The requirement that news organisations should be given 28 days notice of changes to the algorithms of the digital platforms is one other aspect that is concerning. This again seems very unbalanced in favouring the incumbent media organisations (who would get this information) over any other competing media organisations.

I completely understand why there are concerns about the power of digital services such as Google and Facebook - massive concentration happens in many technology industries and should always have close attention. Australian also needs to pay close attention as to whether these organisations are paying appropriate tax for the revenue and profits that they make here - and there is a good case to be made that they should be taxed more. However this doesn't mean that it's a sensible idea to link this to news content - because there just isn't a link between these business models at all.

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

The argument from media organisations that the digital platforms are stealing their content is extremely disingenuous - the digital platforms don't actually need the content from these media organisations, and don't practically monetise the content because it is simply a commodity for them. This is not a matter of abusive business practices by these two digital platforms but simply the nature of a global internet, where all media services in the world are now effectively local - with effectively zero distribution costs. And while the digital platforms do monetise content very effectively - the content that they monetise is not the news content, which is why the argument from media organisations about exploitation is incorrect. The funding models of the digital platforms and of the news media are essentially orthogonal.

If the Government intends to support local news and media organisations in order to maintain strong journalism and to protect Australian jobs then this can make sound policy sense - although we should take care about decisions that help incumbent organisations to entrench themselves and disadvantage competitors. However I don't think it makes sense to implement our support of news organisations by linking this to the extraction of unrelated funds from the digital platforms.

Yours faithfully,

Peter Dowley

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Dear Government

Our tourism jobs project is being developed to serve Australia, partially via YouTube. [This link](#) shows the seven (7) locations in AU that are of interest. At this time we charge AU citizens no fee to participate nor do we plan to collect any commissions or fees on their income.

I am requesting that any YouTube data provided to corporations be also freely available to all creators. This greatly assists our "7millionjobs.com" users to advance by providing tutorials and other services designed to take advantage of the new software coding you are about to make available.

Sincerely,
Mr. DeVictor Mason

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

My first point is I only knew about this because Google are pressuring all their Australian users to lobby against it. It might be useful extending the deadline for submissions, particularly given the current world situation.

Reading the explanatory materials on the ACCC site myself my get feeling is not as bad as Google are trying to make out, but I do have concerns.

Google and Facebook are not specifically mentioned in the bill, but are mentioned in the explanatory material as the intended target. There really is only one competitor to Google, DuckDuckGo, they have a tiny market share, as well as a strict, "We only show adverts based on what you are searching for" (as opposed to deep surveillance), which does mean they make much less money from each advert viewing. The danger that this legislation could be ruinous to DuckDuckGo and only a minor inconvenience to Google, needs to be carefully considered.

The criteria for what counts as a news business and thus qualifies for protection under the legislation could cause political bias. At a guess, the Guardian Australia possibly would qualify, (although I'm not sure, even its parent company doesn't make much money compared with Murdoch owned organs.). "The Socialist" almost certainly would not. The bill needs to allow for the fact that an organ catering to the needs of wealthy capitalists will have more money than one which does not.

I agree that a functioning free press is a vital part of a stable democracy, but obviously this means all views have to have equal consideration, not just supporters of the current administration.

Chris Huang-Leaver

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

I support Google's position on this. News aggregators should not have to pay to curate work that has been placed in the public domain. They are providing a service.

By 'pay' I include divulging proprietary information and/or users' details including anonymised data. This is a problem that is open to a market-based solution and does not need government interference/intervention. Google has provided many benefits to users. Alternatives to Google are freely available and content providers have no trouble putting up paywalls. It seems as soon as a company finds a winning formula in the free market Government steps in to waste taxpayers money trying to micromanage it. Cease this collectivist thinking and get out of free markets.

Derek Watson

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

MY CONCERNS AS FOLLOWS:

1. The jeopardy that would be commenced from the intervention of this bill specifically from its "minimum standards" in a platform of a level playing field for all the creators across the globe could not only impact (negatively) the morals and ethical values of creators of all categories from all over the globe who expects "equality for all" from their platform of creativity, but also the upcoming creators like me who aspire to be a YouTuber inspired by many creators including talented creators from Australia, who can be most affected from this bill.
2. The minimum standards that obliges digital platform corporation to give advanced notice for any algorithmic changes and information on data collected by user's interactions give no further explanation on not only how negatively this bill would impact on the morals and ethics of this digital corporation but also the creators across the globe itself as a result of a greater power handed to the news business corporation disguised in news media bargaining code 2020.

Thus, I oppose this bill and request Australian government to not implement this bill in any terms.

Piyush Patel

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

To the responsible officer,

The current draft exposure Bill appears to be a step in the right direction however I have concerns about a handful of the provisions.

The overarching object of the Bill is to put media organisations on an equal footing with large internet businesses. There is clearly a significant bargaining imbalance, large internet businesses have too much market power and provisions of the Code seeking to achieve greater balance and competition are a good thing.

I am concerned about section 52S of the draft Bill. Moderating public comment is problematic and it is important that proper balance between the media businesses right to moderate comment and the public's right to debate. The balance must be defined adequately in the Act itself. Not in yet to be drafted Regulations that apply only if they are actually created and specify the circumstances in which a media business may make a request to moderate public comment.

I am similarly concerned about the data sharing requirements and all related provisions will need to be more descriptive as to what must be shared with media businesses. Provisions requiring internet businesses to publicise to users what data is collected is an excellent step towards greater transparency.

Provisions allowing for the determination of disputes by way of mandatory private arbitration are equally problematic. These disputes are not solely commercial in nature, they concern information that ought rightly be in the public domain. Any dispute should be subject to determination by the Courts, not private arbitration behind closed doors.

I am particularly concerned about the level of misinformation about this Bill from all parties affected by it's introduction, in particular from Google itself. It is vital that the ACCC provide non-partisan and accurate information to the public about this Bill, it's intended effect and the scale of benefit to be received by media organisations if it passes in the current form.

I look forward to reviewing the revised draft.

Kind regards,

James Bell.

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Good day.

I just saw this through the Google open letter and subsequent comments from your organisation.

This is a serious issue with far reaching implications and should have been given more visibility. If I had not 'googled' the code and gone through a lot of pages I wouldn't have found the public submissions email address. It seems this piece of information has been buried, hopefully making it hard to find.

For a competition watchdog I think think you have failed us. Just for one: Google's algorithms and their frequent changes have had one thing in their favour - fairness. The big media companies and me the small guy with one or so websites have always been treated the same. Now you are destroying that and giving the already big media companies a guaranteed advantage over everyone else.

Where is the fairness in that?

You enact a law that says a special group of the media landscape should have an advantage over everyone else and that is safeguarding competition?

Maybe the law or code as you call it should also have a provision for the big media companies to pay the public for the news items they post on their social media pages.

Will it affect the search result? Ofcourse, the Big media companies' pages will always have the top spot - you have guaranteed that! We are back to the old days where if you wanted publicity you had to go the big media companies. And whatever they printed was more than Gospel truth.

Is there a clandestine reason why this is pushed during these times when most people are concerned about the Covid 19 pandemic?

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Obviously this code gives government control over the media and information distribution. I suppose that is the reason China has barred both Google and Facebook, and Australia is doing the same in a backdoor way.

I hope sense prevails and what little democratic rights, or is it privileges, the public has are not only restored but also respected.

To a fairer composition.

Collin.

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

To whom it may concern.

I am writing to express my views on the new draft for the News Media Bargaining Code, and why I believe it's a terrible idea.

To put it simply, this code is exactly why independent artists and creators are unfairly treated in Australia, because it gives unfair advantages to large news businesses over independent

content creators, particularly those on YouTube.

YouTube was designed to give independent creators a platform, some of whom, through hard work and dedication to their content, manage to make a sustainable living through their YouTube

channel. However, this code allows big news businesses to demand large amounts of money above and beyond what they already earn on the platform, leaving fewer funds to invest in creators.

Not only that, Large news publishers could easily use the benefits from this law to manipulate the Youtube algorithm. This would result in them receiving more online traffic and views,

disadvantaging all other creators. Big news businesses already dominate television, they don't need to dominate social media and YouTube as well, whereas these are the only ways independent content creators can try and build an audience.

In short, this proposed law is a microcosm of the Australian Government valuing big businesses over its people. If laws like this continue to be passed, independent creators will become

obsolete.

Regards

Mitchell Trott

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

To whom it may concern,

I am a university student born and raised in Australia and I firmly stand against this law. Please do not implement this because it would have a negative experience on the vernal public. This is only beneficial for major corporations and the government should have the best interests of the public in mind. I implore you to reconsider this code and shut it down.

Sincerely

An Australian Citizen

Abdullahi Said

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Hi,

I heard you were requesting public response on the proposed code.

I'm a big fan of the freedom of the internet, and I don't believe that the media (or government) should have any input on website rankings (especially if it's paid). The government should only ensure that the internet is free from influence from outside corporations.

I believe that this code reeks of greedy practices and "pay-to-win" mentality.

We already have enough blatant propaganda shoved down our throats through mainstream media TV and newspapers owned by the same parent companies, it would be a shame for a rich minority to force their ideals on Australia through another medium is terrifying and irresponsible.

The idea that Google is profiting off these news companies (and not the other way around) is laughable. I wonder how traffic to these news sites would be affected if Google didn't feature them in searches, or on YouTube home pages?

I really hope that this is all a joke.

Thanks,

James

James Webster

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

I would like the public's interest represented and this law is against the interest of a fair and balanced internet.

News corporations and the companies that run them do not deserve precedent over other outlets.

If this passes I will be switching to labor in the next election. And I carry with me a large local following as I am a content provider on YouTube and will use the extent of my influence to remove

any government that would pass such a law.

Contact

Mitchell Tomkins

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Does the introduction of this legislation create another unfair playing field? Creators on YouTube have had the ability to compete on a level playing field with all participants and creators receiving the same treatment. Will the introduction of this legislation mean that the big media companies in Australia have an unfair advantage over the rest of the population who want to use these platforms to launch something? Should all creators have to compete with the same rules and have the same opportunity to reach the audience?

Thank you for your clarification or consideration of this point.

Gerard Wood

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

> Dear Google Australia

>

> Like all Australians who are forced to use Google, I have just received this open letter

>

> https://about.google/intl/ALL_au/google-in-australia/an-open-letter/?utm_source=google&utm_medium=hpp&utm_campaign=callout-p2

>

> I would like the opportunity to respond to it.

>

> But Google seems to offer no opportunity to reply (as in everything, it's a one-way street with Google).

>

> Like all Australians, I stand to benefit from our Government's long-overdue steps to protect us from your pernicious near-monopoly.

>

> For too long has Google appropriated our data for its own profit, and it has stolen news and other content from originators for no/peppercorn recompense.

>

> I'm delighted that the Australia Government has stepped up to act on behalf of the Australian public.

>

> Online publishers, such as the likes of Google and Facebook, have been defrauding economies throughout the world by providing other people's content for profit. Maybe this situation is about to change.

>

> I hope this will be the first of many similar steps.

>

> We urgently need to force (by threat of jail for executives, if necessary) Google to pay full tax on all profits and sales derived in Australia.

>

> And as citizens we need to regain ownership of our personal data, which you collect from us in order to profit from.

>

> Then we need to look at Google Ads. How you can fairly charge advertisers based on audience figures which only you collect and control. This monopoly needs to be broken and exposed to the disinfection of independent oversight and audit. Just the same as any other business.

>

> And stop spying on us. Google Voice and Home, as well as our internet searches and browsing... all adds up to a totalitarian spyware state hiding in plain sight. It is more powerful than any sovereign country's intelligence agency - and it needs to be stopped.

>

> Once we've sorted out some of these issues we can then look at how you can pay us all compensation.

>

> --

> Steve Jones

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Subject: Nopeeee. Just nope.

I think the subject line makes my feelings on this proposal pretty clear. Please go back to the drawing board and try again!

Many thanks,

Sam

Samantha McKillop

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Dear Rod Sims and the ACCC team,

I am writing to provide my view on the ACCC's draft code. I am an informed citizen of Australia who has a master's degree in advertising from QUT and so I have education relevant to digital media and digital platforms. I am also an Australian YouTube creator and use Google's services as a partner and consumer. I oppose the involvement of the ACCC in forcing Google and Facebook to negotiate under the newly proposed media bargaining code, and I outline my arguments for why I oppose this below.

Firstly, the language used by the ACCC and representatives of the Australian news media is skewed towards a biased perspective of the issues at hand and ignores other relevant issues and ramifications of the proposed code that will impact many Australians such as myself.

The ACCC claims (from Q&As, July 2020) the issue surrounds a 'fundamental bargaining power imbalance between Australian news media businesses and major digital platforms' and that 'this imbalance has resulted in news media businesses accepting less favourable terms for the inclusion of news on digital platform services than they would otherwise agree to'. Furthermore, it is then proposed that the reason this imbalance needs to be addressed is because 'a strong and independent media landscape is essential to a well-functioning democracy'.

These assertions completely ignore the fundamental competitive advantage that news corporations already have on these digital platforms over other digital content creators such as myself. There is already an imbalance of consumer attention with news corporations being given unfair advantage in search above regular Australian content creators. Powerful news corporations who have a stronghold on old media want to bring the same mentality of monopoly-like corporate dominance to the new media digital platforms at the expense of smaller creators and marginalised voices. They want to do this by using a political strategy to influence the ACCC to make the digital landscape of consumer attention disproportionately in their favour. They want to increase the market for their own industry on these platforms, they assert that news is 'special content' and want to use this as an excuse to steal traffic away from other forms of content on these digital platforms. They also want special financial arrangements, while they already have a disproportionate amount of wealth compared to other small businesses who compete with them for consumer attention on these same digital platforms.

The assertion that they are accepting 'less favourable terms... than they would otherwise agree to' is a moot point considering the overarching context of the media landscape over the years. These news corporations have had monopoly-like power for so long that they were used to overcharging the public for their services, and now that digitisation of world markets has taken place, they refuse to accept the realities of a new digital economy, that is more diverse and competitive. The point is, there is no real 'unfairness' or 'unfavourable terms', it is simply a reflection of the digital age and the digital economy cannot be compared to old media's golden days of monopoly-like profits. These media companies do not deserve special privileges, they should be left alone in the marketplace to innovate and become a better service worthy of attention by the Australian consumer.

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Furthermore, Google and Facebook, unlike these media corporations, allows any Australian citizen to voice their opinion, the opportunity to grow a business, to innovate and contribute to the media landscape and marketplace. I would argue that Google and Facebook empower a more inclusive, diverse, and competitive landscape of media and content that supports the health of a well-functioning democracy more than the contribution of news media corporations. The point being that providing news media corporations with unfair advantages over the digital landscape would lessen the diversity of opinions allowed to flourish on these platforms, and democracy would continue to be co-opted by an old media mentality, stifling diversity and innovation.

Lastly, platforms such as Facebook and Google provide opportunities for small digital creators, small businesses, and large media corporations and businesses alike. In other words, Facebook and Google provide way more opportunity to a diverse segment of markets than has ever existed. Large media corporations should be thankful for the opportunities they have been provided by these platforms as it has helped them and given them free exposure that they otherwise would have never had.

Regards,

Jared

Jared Chan

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Hi ACCC

The wording of the draft code such that it is prescriptive to “news business” seems designed to unfairly preference corporations over institutions such as the ABC and SBS. This would seem to have the effect of further harming our world class public media.

Is this the intent, or what is the intent behind this wording?

If this is not the intent, public media should fall under the same category.

Thanks

Jake

Jake Nelson

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

To whom it may concern,

This legislation is a disgusting example of pandering to a dying industry. Traditional news media already receive too favourable of a search ranking within google/youtube results, and the recommended page.

For what reason will traditional news media receive significantly advantageous inside information about the algorithm? What about average youtube/facebook creators, where can they access this information? Is it unreasonable to say that they complete the same task as traditional media? Posting content?

Supporting this legislation is absolutely heinous.

Hunter Green

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Dear ACCC,

Upon making myself aware of the details of the “draft media code” I wish to voice my support for it’s content and intent.

Australian “media”, and the content derived from their collective efforts, deserves to be properly and fairly acknowledged, recognised and compensated (commercially, intellectually and morally).

Digital platforms from outside Australia must be held to account so that our domestic media, and their employees, have a more sustainable future by ensuring the effort, time and expertise they contribute to life in Australia is valued and compensated appropriately.

I ask that when considering the submissions received, and the subsequent formation of the final content of the “Code”, that the interests of Australia are given priority over international interests that are currently walking roughshod over Australian media, their employees, and the content that is derived from the work that they do.

Thank you for your consideration.

Kind regards,

Tim Dwyer,

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

I support the Australian government and ACCC's new code which try to balance the power between Google and medias. This should been done a long time ago! Google and Facebook bring new tech to our country, but they occupy the monopoly, and suck the enormous money, push others to the edge of cliff.

The platform is too powerful! It have to be broken up or decent regulated.

Google is too selfish. They even don't understand: if media news source all been broken down, how can they get decent news on their platform?

ACCC this time showed its leadership and I want give U a big praise!

Yours sincerely

Hao Liang Qiu

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Hi

I do not support this draft legislation. Respecting the freedom of Australian citizens in the news we can access, we do not want news from misinformation news organisations like the News corp, Nine news etc to be at the top of Google/Facebook search results or contents.

Regards,

Dinesh

Dinesh Mahadevan

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Hi,

With the increasing media attention on the bargaining code based on Google's statement and the ACCC's rebuttal, there isn't much transparency and detail about how this code will work and the scope of it. For something of such a technical nature, lack of technical details such as what type of media and control of this content is particularly important.

For example, users commonly share links to news articles on an individual basis by either using one-click share links provided on news websites or copying the URL and pasting it as a post to their friends and family. How will this be affected under the code? Why should the digital platform potentially have to pay for this service?

Conversely, the media outlet in this case has endorsed this action by providing such means on their own website. Further traffic that is driven from digital platforms is of significant benefit to such media outlets and without cost to news providers.

While I am in agreement of the difference in power and ability to negotiate between Australian news outlets vs Google/Facebook/et. al, in this instance, this feels like a power grab by Australian news to find alternative streams of income, especially when it is obvious their current business model is so dependent on the likes of Google and Facebook. These digital platforms provide an easy entry point for consumers to visit news media websites while allowing them full control of how they choose to monetise the experience without any further benefit to such digital platforms.

Further to this, there are clear examples where this power is exploited by such media websites. For example, the Financial Times explicitly blocks users behind a paywall if they attempt to access a news article link in a manual manner, however if they visit from a Google Search result, they are allowed free access to the content.

I find it alarming that the ACCC is siding with news media on this issue and even instigating this action. From a consumer's point of view, it is clear that the value of news overall is diminishing and having convenient access to a broad range of media is something that has been enabled by digital platforms, offering choice to consumers and lowering costs. The Australian media is simply looking for ways to protect their interests rather than adapting to the wider consumer needs. The consumer has spoken and decided that the large media conglomerates are no longer trustworthy or of value and they should not be defended or given more power.

In summary, the lack of implementation detail leaves this code open for abuse or even worse, useless and instead tying up resources in arbitration without any positive impact for

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

consumers. The ACCC should re-consider the code from the point of view of the consumer and make it more accessible for consumers to provide feedback (as they are the ones affected at the end of the day).

Andrew Nguyen

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Hey there,

I think your bargaining code is pointless. This is the problem here:

(Outlining that Google showing people an aggregate is pretty much the symbiotic relationship. Google has an aggregate and people using their apps, the press gets more views and eventually subscribers for those with paywalls because of said "more people"*)

At the same time, I do agree that you should give smaller outlets some bargaining power. There needs to be stronger words on who is excluded by this, because by weaseling, a multi-million dollar company can appear as a small sub-\$150k company. That needs stronger emphasis and clarification and that large companies should have a role to pass enough/more money down so that everyone can survive (just not to the big fishes who should be doing this also).

Best Regards,

Timothy

*but since news is aggregated, one can just move to a different provider.

Timothy Chew

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Hello,

I'm an Australian citizen and have no affiliation with any media properties, Google or Facebook.

I believe that high quality journalism is incredibly important to a well-functioning democracy as has been stated by the ACCC (<https://www.accc.gov.au/media-release/response-to-google-open-letter>). Especially in our current times when misinformation, rumour and conspiracy theories swirl around, it's essential that individuals have access to quality, independent media. Journalism costs money and hence my strong support of this legislation.

I can't speak to whether this draft legislation is well written and workable. I don't have that expertise. I certainly hope so though because I hear stories of poor quality legislation and it's long term impact. And in the case of Google and Facebook you're targeting two organisations with effectively unlimited resources to fight legislation they don't like. So tread carefully and move slowly enough to really make this work. We need it to.

Yours sincerely,

Dane Muldoon

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

The bulk of what is demanded is already a function of having a YouTube account and uploading videos to that account. You can already see analytics of your viewers, fully moderate comments, etc.

YouTube provides free hosting of content to everyone. If it's original content and doesn't breach various guidelines, you can be paid ad revenue from those videos- that's simply how the platform works. There shouldn't be any mandatory financial agreement beyond that.

Another part of the document says news organisations should be made aware of any changes to algorithms, etc. that may affect their search rankings- why on Earth would that be reasonable?

From what I understand such information is not provided to any party, as it creates unfair advantage and allows that party the ability to manipulate search rankings to their benefit, and the detriment of all other content creators.

Really specific algorithm information falls under the category Trade Secrets specifically, which you later say is not something they will be forced to provide.

What exactly is the issue we're trying to address here?

News organisations want the ability to negotiate for more ad revenue for the videos they upload or similar? That also seems entirely unreasonable to me.

Any YouTube user should be treated the same, with the same opportunities and facilities made available to them. I can't see any reason for this code from what I've read thus far.

News organisations can and have had their broadcasts online via their own websites in addition to broadcasting them live on television for a long time now. If anyone wants to watch the news when it airs or online, they can.

If the news organisation wants to use YouTube or any other platform as well or instead of their own, why should YouTube or any other platform be forced to treat them any differently by law?

Please if you would be so kind as to explain the crux of the matter, with a specific example scenario of a problem and what the code would achieve, I would be ever so appreciative.

I understand you said Google was being misleading with their claims that this code is unreasonable, however I've tried to read through the verbose draft and at this point I'm inclined to agree with them..

Can we reasonably force a business to give concessions to nominated special parties by law when they're treating everyone equally? Are we aware of these platforms actually being specifically unfair to news organisations to the point where this code is necessary?

Very Best Regards,
Andrzej Mackiewicz

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

To whom it may concern,

I am writing in objection to the proposed news media bargaining code. As I regularly view content on YouTube, I believe that large news organisations already have advantage over other creator's online, I am happy with the current Google search and YouTube operations in providing varied content and feel that prioritising traditional news on these platforms would create an unfair monopoly within applications and websites used by creators and viewers that engage in social media. I don't want these free services to become subject to costs to users and don't wish for my data to be handed to big news businesses.

Yours sincerely

Susan Williams

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Well done Team, it is about time they paid for local content.

Fairs Fair, they are using that to advertise their customers products by promoting our news – it is what initially draws us to their sites.

I for one support what you are doing.

Regards

Michael Cannon

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Dear Commission,

As an individual who works in the Australian technology sector, an entrepreneur and content creator, an investor in many Aussie startups, and a consumer of internet platforms and Australian journalism, I am gravely concerned about the proposed News Media Bargaining Code.

Over the past several decades, innovative technology companies have made information accessible to our fingertip, through the open internet. I believe it to be the greatest creator of value in the history of mankind.

The internet is so useful, and so popular, because of the free flowing of information through hyperlinks; and the deregulated environment that lets the best compete on their own merits and succeed; not the ones in entrenched industries favoured by regulation and legislation.

Australia is home to many success stories, thanks to the open internet and the power of open competition. There are many emerging superstars in Australia and our tech industry is growing at a fast pace, as our economy modernises for the future.

Disastrous and anti-competitive regulation like the News Media bargaining Code harm this, and harm Australia's future in tomorrow's economy. Let me explain why.

Before working for the company I work for now, I have created and run multiple blogs and internet businesses myself. As an independent creator, and SMB entrepreneur, I benefited so much from the open internet, and from digital platforms like Google and Facebook.

They've provided exposure, for free, in a fair and consistent way; and everyone on the internet economy competes on the same terms. No one gets paid by Google or Facebook for their inclusion. There's no backdoor agreements or shenanigans.

Even news publishers and journalism benefit immensely from the open internet: they just want more than what they are entitled to. They want anti-competitive legislation that artificially favours them, to the disadvantage of me: one Australian dude who wants to write blogs, publish YouTube videos, and compete on fair terms in the attention economy.

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

While I understand that this push comes from elected officials, under the influence of media multinationals with corrupt influences with the current ruling party, I am extremely disappointed and disgusted that the ACCC is proposing anti-competitive terms that will bring direct harm to me, as a content creator, on the digital economy. It would also directly harm Aussie startups who would be competing in an unfair internet.

And as a consumer, I've filed complaints when big tech businesses like Steam refused to give me refunds under the ACL (thank you for your action). I can tell you: this proposal is not beneficial to competition. It's anticompetitive.

I support regulation that checks the powers of Google and Facebook in a fair and non-discriminatory fashion; such as greater transparency into algorithmic changes for all participants and all Australian businesses.

I do not support this unfair proposal. Beyond the anticompetitive nature, which is very serious in itself, Australia needs a vibrant tech industry, and a competitive internet to prosper in the age we are in today. This proposal harms the core foundations of the open internet, and will cause serious ramifications to Australian's digital economy and competitiveness if this draft code is adopted.

Sincerely,

Danny Wu

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

I have perused the draft for the News Media Bargaining Code, and one part stands out to me in particular. Section 52S gives news media companies the power to censor comments they don't like when their news stories are shown on digital platforms, such as Google or Facebook. This is a terrible and sneaky thing to put in a bill about bargaining between news media and digital platforms. Remove it right away, or suffer the consequences.

Tom Jones

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Dear Sir/Madam,

as the way we receive our news rapidly continues to evolve in Australia, I would like to see:

- as much objective, professional, journalism from an Australian perspective as possible, and
- as little opinion and hyperbole as possible.

Therefore I strongly support increased bargaining power for news businesses that can demonstrate that they produce the former, rather than the latter.

At a time however when it is increasingly difficult to generate revenue from selling news content, I believe the revenue test proposed at 52G would disadvantage young entrepreneurial journalists who may be conducting such quality journalism, but not yet generating much revenue from it. As revenue generating streams become more and more reliant upon hits and rankings on digital platforms, bargaining powers would be just as critical to such entrepreneurial journalists as large new corporations. It would also disadvantage any news business that was not necessarily producing news for the purposes of generating revenue.

If the ACCC considered that such a revenue test was required in order to limit the number of registered news businesses, can I urge the ACCC to consider an alternative limiting test that focussed more on quality rather than commercial indicators. I suggest the following in its place:

6 52G Australian Qualifications Test

7 For the purposes of paragraph 52E(1)(d), the requirement is that
8 the applicant corporation has employed for at least 1 year and
9 continues to employ at least 1 full time person located in
10 Australia who holds a bachelors level degree in Journalism,
11 conferred by an Australian university.

12

13

Thank you for your consideration of my objection/suggestion.

yours sincerely

Mitchell Blyth

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

To whom it may concern,

RE: News media bargaining code

As an Australian citizen, taxpayer and business owner I would like to express my concern regarding this proposed legislation.

I understand the intent of the Bill is intended in good faith with the purposes of levelling the balance of power between News Media and large content platforms. However, it is my sincere belief that all this legislation will achieve is delay the inevitable: a slow demise of News Media companies that are unable to adapt to the modern world.

By purposefully forcing platforms to deal with News Media companies in this manner the bill will negatively impact upon the quality of valuable tools like Google and YouTube searches in our country. This will negatively impact all Australians and our capacity to compete in the global market while benefiting a relative few stake holders in the news media industry and their shareholders for a short period of time.

A better solution would be for large news media organisations to dissolve naturally and be replaced by more adaptable and less industrialised news sources.

Being unable to adapt should not result in an entire industry being protected from the realities of online competition.

For further comment please feel free to contact me via email.

Sincerely,

Zac Matthews

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

To whom it may concern,

Whilst I in some understanding see why the ACCC would want to go down this path I do not believe the forcing certain news groups into certain places Inna specific news feed for search engine result is fair to the consumer. The algorithms we speak of are generally tailored towards a specific individual user. If these changes were to go ahead the individual consumer would be the one to feel this the worst. My go to news serviced would be at risk.

The main reason for not visiting specific news outlets doesn't generally have anything to do with the inability to find an article but the paywalls and arbitrary non important articles written by a specific outlet. Majority of news that I personally am interested in is not written about well or at all by specific Australian outlets.

I beg of you please do not change the way my news and information is given to me in a free manner for all involved.

Regards

Brendon Douglas

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

This new proposed code will artificially boost already big news over independent creators. Mainstream news channels already have a stranglehold over popular opinion and this code will further push for the control of our ideas by big media interests such as the Murdoch Press and big businesses.

I also take exception to this part of the code:

- "News sources are unlikely to meet this test if they are owned or controlled by a party that has a direct commercial interest in the coverage they produce"

Almost every news source in the mainstream media is paid by or somewhat controlled by third party with commercial interest in the coverage they produce. The only news sources who would truly pass this test are independent, small news sources such as a YouTube channel or website like Michael West's news.

Please don't enforce this authoritarian like code into the Wild West of the Internet where the best content should be the most popular based on its content, not the amount of money they can throw around.

Mason West

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Do not approve or implement this version of the news media bargaining code. The proposed code does not align with internet users best interests.

Sam Joel

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Hi there.

I'm just writing this to express my deep concerns with the News Media Bargaining Code that is being proposed as federal law in Australia.

It's quite clearly a way for larger news organisations to squash any kind of competition and try to maintain the monopoly over the market that they've been slowly losing over the last decade thanks to other forms of media springing up online.

I'm incredibly concerned that this new proposed act will hinder the ability for any independent journalists to achieve any kind of success on any kind of platform, as the only real platform independent journalists have currently are online. Giving big news corporations an advantage that they don't need will quite unfairly impact the playing field as big news corporations already have control over main stream media, and if they have a majority of representation online as well it makes it incredibly unfair.

It's already clear that large news corporations have attempted to create a following online, but as those have failed, they now want an advantage over everyone else who's doing a much better job at representing the news in an unbiased and fair way? How exactly does this help anyone besides big news corporations?

The whole point of journalism is to present what is happening in the world in an unbiased way. The way current news on television is presented (mainly by the Murdoch press) is incredibly biased to a few specific agendas, bordering on propaganda a lot of the time. If they're given a monopoly for online journalism as well as monopoly they already have over television news outlets, and newspapers, then it will make it incredibly difficult to (if not impossible), for anyone with a differing opinion to even have their voice heard amongst a sea of capitalist propaganda. We've seen what that kind of environment can do to a country, as the U.S.A is a perfect example of that. There's very little independent journalism there, and what little there is, is online. We do not want the kind of chaos that America has due to the endless propaganda battle between right wing and left wing politics constantly at war through outlets such as Fox News and CNN. Australia deserves better.

This act makes me even more ashamed of this country than when P.M Scott Morrison decided that the perfect time for a vacation was when the bushfires were ravaging the country in late 2019 and early 2020.

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

The system under the liberal government already favours those of high socio-economic status far more than those of lower class, and the News Media Bargaining Code only serves to tip the scales further in that direction.

It's an abhorrent and blatant abuse of power over those of lower class and I am 100% against it.

Instead of trying to rig any new system in your favour unfairly, it might be a good idea to create content that can rival independent journalists online, rather than create a law that gives anything big news corporations an unfair advantage over what content can be seen.

It only serves to stagnate any development in journalism, and will negatively impact every Australians right to information.

I have never been more disappointed to be an Australian. Please reconsider the News Media Bargaining Code and do not push for it to be passed in to law. Please!

Thank you for your time.

-Hayden Malcolm

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

affected social media platforms.

First and foremost, I believe that it is unfair for news media outlets to demand payment from platforms where they already are receiving lots of traffic or "clicks" - and, therefore, advertising revenue from readers. By doing so, news media outlets are essentially "double dipping"; taking their payments from advertisements on their website, as well as payment from the social media platforms they use to promote their website.

Secondly, I believe that this will create an unfair bias in search results and user's news feeds. By having platform owners provide additional information to news media outlets, they are given an unfair advantage over other sources of news that are not eligible for access to this data. Given that mainstream news media outlets already have the advantage of a large budget for advertising and marketing research, I believe this is likely to result in smaller outlets being pushed aside as traditional news media outlets use their market dominance to force their perspective onto the general audience.

Thank you for your time, and I hope you reconsider the proposed code.

Joshua Mifsud

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

The way I see it this proposed regulation is unfair - if traditional news media provides the best search results let them take the top result spots naturally rather than artificially forcing them to the top through legislation.

It's anti free market, anti common sense, and I suspect is driven by the government's close working and economic relationship with traditional news media rather than the best interests of the constituents.

It's anti Australian - please scrap it.

Thankyou for your consideration,
Adrian Hunter

News Media Bargaining Code – draft legislation consultation submission
Public submission by a member of the public
Regarding the [Draft News Media Bargaining Code](#) (Released by the ACCC for Public Consultation on 31 July 2020)

I am writing to share my views on the draft legislation as an individual Australian who accesses digital media and makes use of many services provided by Google.

I am:

- An Australian Citizen
- A Consumer of the Internet and Digital Media
- A user of the Internet for seeking and sharing information
- A long time user of Google's services

I am not:

- I am not employed by any media companies or digital media providers
- I do not have any financial investment in any media businesses or digital platforms.
- I no longer use Facebook or other social media platforms

I have no fundamental disagreement with the principle intent of the legislation: to protect Australian news and media businesses in this time of transition from offline media to a more online mode of operation.

However, I have a number of concerns around the ambiguity of some of the items in this Draft Code, including, but not limited to:

- I fear that the Draft Code will exacerbate the monopolisation of Australian media as it gives big media companies (with revenue exceeding \$150,000) access to critical information regarding the algorithms digital platforms use to optimise their search services
- This will also negatively impact the ability of independent content creators to compete with big media companies - something that violates [Article 19](#) of the United Nations' Universal Declaration of Human Rights which states:
 - *'Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers'*
- I am concerned about any business having too much control over what information is readily available to me when researching a topic of interest - something that violates the basic principle of freedom of information - a fundamental human right
- My personal information privacy and the way in which the Draft Code empowers registered media businesses to have access to data collected by the digital platforms I have used
- The way in which the Draft Code will render Google unable to sufficiently protect my sensitive data that I have willingly entrusted it with will force me to leave Google and totally restructure my digital system

More specific to me:

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

I have been using the services Google provides for many years and have willingly entrusted them with more of my personal data than any other person or organization. This includes all my personal email, pictures, transportation habits, diary, calendar, all of my important Scanned documentation, my entire address book and more.

I have entrusted Google and granted permission for them to use most of this for the purpose of providing me with more relevant search results.

I have confidence in Google's commitment to maintaining my privacy and using my data in an ethical fashion.

As the Draft Code currently stands, I am concerned that Google will no longer be able to maintain the current confidence I have in them to protect and utilise my data ethically and productively.

Therefore, if the Draft Code is enforced, I will have to totally restructure my digital system - a prospect that will significantly undermine my productivity and ability to organise.

Some More Specific Concerns Regarding Points 1.74, 1.76, 1.77 of the Draft News Media Bargaining Code:

1.74 The information a responsible digital platform corporation must provide to comply with this minimum requirement is the following:

- a list and explanation of all types of data the digital platform service collects about the registered news business' users through their engagement with covered news content made available on the digital platform's services;
 - By giving registered news businesses access to the types of data digital platform services use to optimise search results, registered news businesses are at a significant advantage relative to independent content creators (with revenues under \$150,000) who would not be privy to such information under the terms stipulated by the Draft News Media Bargaining Code
 -
 - This means that registered news business will have the ability to ensure that their content features more prominently in organic search results in comparison to those content creators who do not benefit from the proposed Code
 - Not only is this anti-competitive, but it can be argued that it undermines the fundamental human right of freedom to information, as the ability for one to autonomously consume information on the internet (based on one's previous searches for example) will no longer be tenable as registered news businesses will have an exclusive understanding of how the algorithms operate - allowing them to manipulate their content so as to best fit the algorithm's parameters
- a list and explanation of the products and services supplied by the digital platform service that collects the data;

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- a list and explanation of the data that the digital platform service currently makes available to be shared with the registered news business;
- an explanation of how the form in which the data is shared with the news businesses differs from the user data collected by the digital platform; and
- information about how news businesses can access any of this data.
 - This violates the basic principle of privacy - and there is no stipulation as to what safeguards will be put in place to ensure registered news businesses do not have access to sensitive data

1.76 The obligations imposed by this minimum standard are not intended to require digital platforms to disclose trade secrets or other intellectual property to news businesses, or to share any particular user data. Any disclosure of data must comply with the Privacy Act 1988.

- Although it is 'not intended' to require digital platforms to disclose 'any particular user data', under the Privacy Act of 1988 there are many ways for a registered news business to legally share user data
- According to the [Privacy Act 1988 Section 16A](#) an 'APP entity' is an agency or an organisation
 - An organisation refers to:
 - An Individual
 - A body corporate
 - A partnership
 - Any other unincorporated association; or
 - A trust
- Under Section 16A an organisation is permitted to collect, use or disclose information if:
 - It is unreasonable or impracticable to obtain the individual's consent to the collection, use or disclosure; and
 - the entity reasonably believes that the collection, use or disclosure is necessary to lessen or prevent a serious threat to the life, health or safety of any individual, or to public health or safety.
 - The entity has reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to the entity's functions or activities has been, is being or may be engaged in; and
 - The entity reasonably believes that the collection, use or disclosure is necessary in order for the entity to take appropriate action in relation to the matter
 - The collection, use or disclosure is reasonably necessary for the establishment, exercise or defence of a legal or equitable claim
 - The collection, use or disclosure is reasonably necessary for the purposes of a confidential alternative dispute resolution process
- As such, under the proposed Code, a registered news business would be legally permitted to collect, use or disclose information collected by digital platforms on an individual for any of the reasons listed above - a clear violation of privacy
- This diverges from the status quo - where digital platforms such as Google have clear privacy policies that give consumers control over their personal information
- As Google [said](#) 'if we are required to hand that data over to news organisations, there's no way to know what controls they will give you, nor how your data will be protected - or how it might be used by news businesses'

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1.77 A responsible digital platform corporation must give 28 days' advance notice in a readily comprehensible form to a registered news business corporation, of changes to algorithms used by each of its digital platform services to rank and display news, where the changes are likely to significantly affect referral traffic to a registered news business corporation's covered news content.

- By forcing digital platforms to give 28 days' notice of changes to algorithms, the Draft Code creates a disincentive for digital platforms to change or update their algorithm in Australia - as changing the algorithm under the Code would give a significant competitive advantage to registered news businesses in the market for information - something Google and Facebook have made clear they do not want to see and assist
- As such, if a digital platform aimed to make the market as fair as possible by avoiding changing its algorithm, Australian consumers would suffer from a far worse search engine experience
- Moreover, the need for 28 days' notice means that digital platforms will be forced to wait before it can implement much needed algorithm changes to mitigate against the risk of new kinds of spam and fraud - rendering Australia a top global target for scammers and fraudsters as it will be 28 days behind other countries
- To give context to the importance of algorithm changes, last year Google launched [3,620 updates](#)

Alternatives/Amendments Which May Resolve My Concerns

1. Explicitly require that any data provided to the media business be provided in an anonymous manner and form
2. Regarding information pertaining to the ability to optimize media content to be more predominant in search results, I do not think it is appropriate for big media to have elevated privileges.
Perhaps a better way to address this issue would be to require the information be available to anyone who can publish to the internet (i.e to any individual or business, big or small).

Conclusion:

Thank you very much for taking the time to read and consider my views on the Draft Legislation.

I sincerely hope that the final legislation will be less ambiguous and be more specific in the areas which relate to our basic human rights of freedom of information and protection of privacy - basic prerequisites to the maintenance of a liberal, civil, democratic society.

Kind Regards,

Dylan Pearson

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I would like to give my opinion against this . As a small youtube channel (7.5 k subscribers and 79 members) I do not think it is fair that the media wants an unfair access to the youtube algarithim . And wants 60 times the income of other channels . Its their own fault they are failing , due to incompetence and . pushing their agendas . Thanks for your time , wanted to have my say . Please don't pass these new laws . Regards , Craig Parish .

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Public submission by a member of the public

Hello, my name is sixteenleo, I have a youtube channel in australia that i have started in january of 2020. it has passed 160,000 subscribers as of now and its largely a comey channel aimed to make everyone's day a little easier.

I am aware that a possible bill is being passed in order to give big news sources the youtube algorithm as well as a bigger payroll which I believe will negatively impact the organic discovery and growth of creators on the platform.

Youtube, for the new generation, has been a source of entertainment largely due to the fact most of the creators are like us, hence the name "YOUtube" often i think we resonate with the lack of budget, preparation or even content being shared but rather latch on to the person or people doing it.

I do believe if big media companies are given rights to this bill, even with the algorithm in favour of big companies, australian audiences will leave, especially if a creator they love is deplatformed. News is essential but on a platform as free as youtube, the goal is that good content finds its audience, which is why we love it so much. We all have equal opportunity

If i can share a personal story to end this, I was born in South Africa, during apartheid, when I turned 18, i won an acting scholarship to california, but was sent back after 2 years because my skin colour affected the jobs i could and couldnt get. Youtube however, has never held how I look against me. The people from my channel have shown nothing but support and love, to the point a lot of them who suffer with mental health use my channel (and I'm sure a lot of other creators channels) as an outlet to escape or to feel better. It's rewarding knowing from my room in Australia, ive been able to help so many people out, and it's beyond scary to think all the progress could be lost upon a signature.

I write to you, not out of malice, nor agenda or bias, but out of empathy, to keep youtube, the platform we love and cherish about what matters the most. You.

thank you

kind regards

Sixteenleo

(Suvaan Shunmugam)

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Public submission by a member of the public

Hello my name is Noah.

I am a young adult from [REDACTED] and I have serious concerns about amount control this legislation will give big media companies over platforms that I will frequent such as YouTube and Facebook. From my understanding this legislation will give big media companies the ability to collect my information and data without my consent via the platforms and allow them to manipulate the algorithms that support and foster communities on these platforms, I am especially concerned about smaller channels on YouTube. I understand the importance of media outlets and how they inform the general public about important information and news but I do not believe that they should be given this much control over other platforms.

I do not watch the news, seldom read the paper and have little respect for big media, part of this is because I recognize the power and importance of information in our society. I do not trust the communities I am part of to big media. instead of giving control over our gathering places to strange foreign companies I do not know or trust, maybe help find other ways to deliver important information to us. I found out about this from worried Youtuber Isaac Butterfield (august 25, 2020) and will link his video if you wish to know the source my information apart from your summary.

Writing this has awakened me to some of the difficulties of managing issues like this. Allowing the flow of true, honest information to the public without interference from the government to a generation that distrusts traditional media sources. I thank you for taking the time to read this and hope my opinion can help resolve this issue.

Butterfield Isaac. august 25, 2020 'The Media Wants To Kill Youtube In Australia' YouTube. retrived <https://www.youtube.com/watch?v=zayeUtg-BDw>.

have a nice day =)

Noah Siwes

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Why isn't Australia's ABC media on an equal footing as far as payment for news with the Murdoch's "News Corp".

In fact why is Australia's ABC not mentioned at all in the ACCC's "developing a mandatory code of conduct to address bargaining power imbalances between Australian news media businesses and digital platforms, specifically Google and Facebook."

John Fraser

Comments on the Treasury Laws Amendment (News Media and Digital Platforms Mandatory Bargaining Code) Bill 2020

Thank you for the opportunity to comment on the draft legislation. I would like to convey a few loosely related thoughts and concerns for your consideration.

My perspective

First, a few words about the perspective that I am writing from. I am a Melbourne-based Australian-American dual citizen who has worked for Silicon Valley companies over the last twenty years, often in leadership positions (e.g., Offices of the CTO), having lived there for seven of those years. I am also a member of the Internet Architecture Board, Chair of two IETF Working groups (HTTP and QUIC), and formerly a member of the W3C Technical Architecture Group. I've authored over 25 RFCs and participated in many efforts to define and evolve both the Internet and the Web. In summary, I'm a tech person. Technically minded people are often seen as resistant to any regulation of the Internet. There is a worldwide history of well-intended (and not-so-well-intended) regulation with undesirable results that somewhat justifies that attitude. To my mind, these failures are a call to improve communication between technical communities (as distinct from tech companies) and regulators. Despite wishes to the contrary, the Internet is not a special place where laws do not apply; it is, however, a very different place where applying the existing concepts of law is fraught with unintended consequences. Success requires alignment between the architecture of the Internet, market forces, norms and laws.

Guidance for platform determinations

The concepts paper indicated that '[T]he ACCC intends for the code to include mechanisms to allow the addition of other digital platform services, should other digital platforms attain a significant imbalance in bargaining power in their relationships with news media businesses in the future.'¹ It then solicited feedback as to whether the services to be included could 'be defined through a set of principles, or by setting out a list of currently available services, supplemented by a process to determine how to include additional services in the future.'² Unfortunately, the draft legislation does neither. 52C(1) allows the Treasurer to designate a digital platform corporation and related digital platform services; there is no further guidance there. In the explanatory memorandum, 1.30-1.34 only state an intention to apply them to services from Google and Facebook.

This lack of guidance is concerning, especially in combination with the circular definition of a digital platform service in 52B. New digital applications (Web sites, apps, etc.) might see this as arbitrary, and thus a disincentive for entering the Australian market. Likewise, Australian digital businesses might be negatively affected by this possibility (e.g., they may encounter more difficulty attracting investment). It also raises the possibility that designation of a future platform might be seen as politically motivated (e.g., depending upon its country of origin, or whose politics its policies favour). Without guidance, the Treasurer might also make choices that do not meet the underlying aims of the draft legislation. For example, many Australians get their news through Twitter. How should its 'bargaining power in their relationships with news media businesses' be determined? If it is too early to document such principles reliably, I suggest that the draft legislation should at a minimum define a process for

¹ *Mandatory news media bargaining code* (Concepts paper, 19 May 2020), 4.

² *Ibid.*, 5.

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designating additional platforms that includes input from a variety of sources, to help avoid the appearance of arbitrariness in designation.

Other publishers

Legislating in the interest of news publishers calls into question why other publishers do not have similar rights; indeed, Google's campaign against the draft legislation has included suggestions to content creators that they raise these issues directly.³ If the underlying mischief that the draft legislation attempts to correct is the imbalance of bargaining power in the favour of large platforms, this is a valid criticism. While the state of news media in Australia can justify the urgency and focus of this effort, close attention should be paid to how it will align (or fail to) with subsequent and broader regulatory efforts. For example, bargaining and arbitration might work for few Australian news publishers; will it work (even collectively) for a much larger number of YouTube content creators and blog owners? Will the arrangements made with news publishers set expectations for how other publishers should be compensated? Taken to its extreme, this could mean that any creative work (drawing, photograph, article, fiction, etc.) that shows up in a Google search result page or a Facebook feed could result in a payment to its creator. In technical lingo, how will the proposed scheme 'scale up' to accommodate this? I suggest that the ACCC consider expanding public discussion to include the implications of this, if only preliminarily.

The ABC and SBS

Finally, 52Y(6) of the draft legislation prevents the ABC and SBS from raising 'an issue that concerns the remuneration for the registered news business for the making available of the registered news business' covered news content by the digital platform service.' 1.14 of the explanatory memorandum justifies this 'because advertising revenue is not the principal source of funding for public broadcasters.' This seems an odd interpretation of the relevant legislation, which says that '[the ABC] shall not broadcast advertisements on any of the Corporation's broadcasting services.'⁴ This is not a prohibition against other forms of funding, it is preventing the ABC's broadcast services from themselves containing advertisements. Moreover, the ABC is allowed to 'determine charges payable in respect to [literary material, and recordings of its programs], with a view to raising as much net revenue as practicable, having regard to the proper performance of its functions.'⁵ For example, the ABC's programs are often sold on DVDs, broadcast overseas and merchandised — all accepted sources of funding for public broadcasters. The distinguishing factor here is that the ABC's (and SBS's) news content does not include advertising; rather, it is effectively being licensed through an arrangement to be displayed elsewhere — in a place that happens to be advertising funded. If public broadcasters can be compensated for their content when not carried on their broadcast services, and if their content can be re-published by a digital platform, why cannot they be compensated for that too? The draft legislation suggests that they should not be compensated out of some concern that it is not their 'principal source of funding.' I believe that this concern is misplaced, and could be seen by many as politically motivated, rather than being driven by fairness or the good of public broadcasting. I suggest that 52Y(6) be removed from the draft legislation (with corresponding edits to 52A(1)).

Mark Nottingham

³ Gautam Anand, 'New Australian regulation will have negative consequences for the YouTube Community: what you need to know', Google Australia Blog (Blog Post, 17 August 2020) <https://australia.googleblog.com/2020/08/regulation-impact-on-YouTube-Community.html>.

⁴ *Australian Broadcasting Corporation Act 1983* (Cth) s 31(1).

⁵ *Ibid* s 29(2).

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Public submission by a member of the public

Hi there,

I have read through the bill and I am terrified and appalled. This is absolutely disgusting and sets a dangerous precedent. Why should companies be bailed out when their business model fails?

This reeks of corruption and for-shadows a retro-dystopian future where oligarchies control what we see, talk about and think about.

How dare you sneakily try and push this through during a global pandemic where people are too busy suffering to notice.

We have had enough dodgy and unfair bills being pushed through by cashed up lobby groups. Please just be decent people and tear this bill up before its too late.

Thank you.

Jeffrey Jenkins

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

I am an individual consumer with a keen interest in the news, as well as learning about new things and discoveries. I do not work for or represent any news or digital media organisation.

I wish to express my concerns about the **Draft Mandatory News Media Bargaining Code**, in general terms.

I am strongly opposed to this most unjust and unworkable law which I feel would stifle competition by giving one small group of businesses an advantage over others, including severely curtailing competition within the news media industry, as some will be included and others not.

Why single out one group over another? Why make a special law as to how they can do business with another business? Any business would love to have this special treatment.

It would also seem a conflict of interest to favour a certain group who is very influential in politics.

This proposed law hinders free enterprise and progress. The print media was popular in it's day. Later radio and then television were popular. Now we have the digital media which is popular. The old media forms had their day, just like the horse and cart or film photography are history today.

I feel it is wrong to make laws to force businesses to help out old, failing businesses that have no future, in their own right.

This proposed law would place a severe burden on the digital companies, who would have to recoup revenues. This could result in even more ads for the end user, as well as biased search results that are not wanted.

Traditional media should be grateful that they are included in digital media search results and should realise that they have to compete with everyone else fairly.

The very large media organisations, worth billions of dollars, must realise that their size does not guarantee them current popularity. Someone with no money, sitting in his spare room, may create a much more interesting news product. And if I need to know about a local council or other event I go to their website and receive a lot more information than a news reporter can give.

I feel that the traditional news media should either adapt and go with the flow or hang up their news-hat and create an alternative more profitable product, like every other business has to do. It is not right that they blame their failings on the new successful digital companies.

The digital companies will also have their end day, sooner or later, when something else newer, more popular comes along. That is progress!

I also have concerns about privacy of personal metadata and feel this should not be opened up to increased opportunities for third party misuse.

Thank you for reading Jaro Rykers

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

I think passing any law to give the Australian news media more influence would be a very big mistake. We have lived under Rupert Murdoch's shadow for far too long.

A Youtube platform that is free of his influence can only be a good thing for Australia.

Do not pass this bill.

Mike Crawley

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Hello ACCC

As a big lover of YouTube and the Google search engine, I am incredibly disappointed to see the new law the Liberals are trying to pass. As the party that claims to be for 'free speech' and 'free markets', these changes would absolutely go against those 'claimed values' of the party. It also reduces the freedom of information on Youtube and growth in smaller YouTube channels. As the consumer watchdog in this country, I hope you do something about it - if not, you have failed the Australian people in such a landmark decision. I hope you allow me to once again have faith in your organisation.

Thanks and Regards,

Thomas Sherrington

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Accc written submission concerning the recent media laws

Hi acc i am contacting you regarding the current media proposed laws / news getting paid I strongly believe that allowing news companies to charge more money in order for a site to use there content is a total waste of time first of all would the tech giants not ditch all the well know news sites for smaller and cheaper news sites eg a personal journalist thus leaving the big news companies empty handed as well as saying that i would also like to add that if you allow news companies to charge more than that means that other advertising / small content creators are going to have less chance of being heard and seen due to the lack of funding for adds/info/news However i agree with the fact that there should be a cost involved to use another sites content so maybe create a price that has to paid for using content but make that price an unchangeable one so all sites / companies / content creators have a fair chance of getting there content used as well as it being a affordable price.

Dear Regards A fellow victorian

Joshua Paton

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Dear ACCC,

I would like to keep this message brief, as I am aware of the current situation regarding YouTube and you receiving emails from multiple complainants, and do apologize if the message does get a little long.

This proposed new law I believe is not a good idea to enact. While it does seem good to have companies more open about data in this day and age, it also seems note-worthy to discuss some faults within the bill, most certainly in regard to News Outlets having the ability to use the data and manipulate it to their advantage.

This is concerning, as not only do Televised News Outlets receive less views due to the advancement of technology, they will be manipulating an oligarchy of data which only they and YouTube will have access to (if the bill does indeed pass). News Outlets like CBS and ABC, will use this data, to push false narratives through the methods of manipulating the data they have access to, and hinder development of actual news.

Along with the previous point, if the bill does get passed, we will see a decreased report of funds being earned by the company of YouTube, due to requests by televised media outlets for YouTube to hand over money without their consent. This hinders growth for content on the platform of YouTube by decreasing funds for creators to live on. Not only that, but news outlets would most likely pocket this money, as there would be no incentivized reason to use that money to make their news content better due to television having decreased viewership due to the advancement of today's technology (as mentioned previously).

If the concern however is data and how it is received by YouTube; I agree in having the data public or in the care of the government, but to give it to those who will misuse it will be catastrophic to the media landscape as a whole.

I do reiterate in apologizing for the message, as I am sure you are dealing with many emails at the current time. Do not pass this bill and let the media outlets misuse this data, and if the ACCC does acknowledge issues regarding data, do not let the media have control over the data, YouTube's funds, and ability to manipulate the data to gain false social standing within the landscape of media.

Thanks for your time,
Xoinatos

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To whom it concerns, I myself am not a youtube but am an avid watcher and a proud Australian.

Please do not let news companies destroy YouTube. The reason they are losing money is "fake news", people are becoming more aware and using platforms such as YouTube to search for the truth!, now they want to control that as well.

Smaller channels rely on the revenue raised to survive and often put alot of time into producing quality content (if mainstream news was that dedicated they to would see profits), if the law is passed many of those channels won't survive.

I don't have fb or commercial TV channels and that's my choice, if the media get their claws into YouTube I won't have a choice of what is shown!

Kind regards Judy Walsh

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Hi Team,

I am writing this letter to voice my opposition to the egregiously dangerous legislation detailed in the proposed “*News Media Bargaining Code*”.

As it stands, this proposed bill is an assault on Australia’s democracy.

If online platforms like YouTube and Google are legally mandated to disclose the inner workings of their systems to large news publishers, then Parliament would effectively be enabling these large news publishers to unfairly rank their content at the top of the YouTube and Google search results.

As a direct result, **large news corporations would effectively be able to *suppress* articles, videos, opinions, ideas, and all other online content they disagree with (like videos from YouTube creators, for example).**

If that wasn’t dangerous enough, **the proposed law also jeopardizes the privacy rights of YouTube viewers by requiring that YouTube hand-over vast amounts of private user-data to these large news companies.**

For the sake of Australia’s democracy, I plead that this bill is overturned

Thank you in advance for your prompt attention to this matter.

Dalton Kariz

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

To whom it may concern,

I wish to provide my views on the draft legislation being proposed the "News Media Bargaining Code" and hope that the deep impacts on society will be considered if this proposal is approved.

This proposed legislation would be detrimental to society from a number of standpoints regarding free speech, competition, small business development, and generally, becoming a more informed society.

I will touch on these points briefly as I know your time is limited and having to sift through thousands of submissions would be tedious but would be more than happy to discuss these further.

While I do agree that legislation has proceeded slower than the speed the internet has developed, I would also say that the media companies have been extremely slow to adapt to the changing face of society, and their social media presence on Youtube and Facebook is proof of that. So now they aim to use legislation to create an unfair advantage.

Passing this legislation will silence many small businesses and creators from creating well informed and researched pieces of niche content plus reduce revenues these creators receive as this legislation is due to increase media revenue from online content from \$10 million pa to \$600 million pa thus reducing the number of voices being heard in society.

As a small business owner whose aim is to ensure that Australia's best local businesses are heard online, this would put my efforts to help family businesses in Australia in vain as I would be competing against media organisations that have the budgets and have the advantage of knowing what videos "Rank" higher so my ability to compete against media behemoths would be no longer a level playing field and the most relevant content to the user will be silenced.

Happy to discuss this further and hope the ACCC makes the correct decision in saying no to News media and yes to a free society.

regards,

S Kelly

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Hi ACCC this is an email from a small google content creator from australia, and have been told about the news media bargaining code. please consider on top helping the big media company , and also consider small independent media companies that do not have the resources of big companies to have their options/ vices to be heard or drowned out by the bigger company. if you want future conversation this email wuyungang49@gmail.com, the email used for the email conversation, should you want a phone I can also provide my personal mobile. Thank you for taking time out of your day to read this email.

BakaGamingCommentary

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

The proposed code is an affront to the competition the ACCC is supposed to be responsible for encouraging. Competition can see the end of established industries like much of the clothing and footwear industry and the motor manufacturing industry by the removal of supporting tariffs and that is fine. That is competition. Some people have to find other work.

But this time, competition is bad and apparently it is up to the champion of competition to try to devise ways to restrict the free part of free competition. Why is this not being done by the government if new regulations are "required"? Could it be the government wants cover for its efforts to help a favoured minority who see their traditional power slipping away? Especially since the proposals prefer only some in the media—the previously powerful ones.

This power was ordained by the high barriers to entry of print media but when those are removed by technological advances, they want their privileged, and especially influential position protected. These interests who, amazingly coincidentally, also sought and received the benefits of interfering with the rollout of a full-fibre NBN now want yet more government-backed entrenchments of their historical position. If it was just about advertising, there are still electronic versions of the rivers of gold classifieds such as seek.com.au, carsales.com.au and the two main real estates sites. But they want more. They want to retain their influence of all governments while remaining practically unaccountable for how they discharge their responsibilities.

Google News searches direct viewers to media websites and the advertising they contain. Google does not display this content in full. If the content is interesting, the viewer moves to see it. Why should Google have to pay for this service which benefits the media outlets by directing traffic to them? Do the traditional media giants really need the ACCC to intervene?

Gutenberg put scribes out of work when better technology came along. The custodians of the printing press had a good run, but it does not have the right for it to last forever. Quite simply advertisers get better value from targeted electronic advertising. Print just offers scattergun coverage much, probably most, of which is wasted. Expecting Google search to subsidise those whose day has passed in anticompetitive and not in the national interest.

Nine Entertainment's bid for \$600 million shows how they plan to play the game. Why will any News Limited bid be less? And how much of the spoils will go to the likes of <https://theindependents.org.au>?

Richard Ure

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

I support what the ACCC is doing in relation to Google and the media.

Yours sincerely,

David THOMSON

News Media Bargaining Code – draft legislation consultation submission

Public submission by a member of the public

Attention is drawn to 1.13 The ABC and SBS are able to register with ACMA and participate in the code in all respects and benefit from the minimum standards, however, they will not be able to bargain about remuneration or participate in compulsory arbitration about remuneration. 1.14 This permits the ABC and SBS to benefit from the minimum standards imposed on digital platforms under the code, but excludes them from accessing the bargaining provisions in relation to remuneration under the code. This is appropriate because advertising revenue is not the principal source of funding for public broadcasters.

of the TREASURY LAWS AMENDMENT (NEWS MEDIA AND DIGITAL PLATFORMS MANDATORY BARGAINING CODE) BILL 2020

The fact that advertising revenue is not a principal source of funding for the ABC and SBS is irrelevant and, therefore, both should be able to negotiate for remuneration.

It is irrelevant because Google and Facebook can reuse content from the ABC and SBS which was developed, produced and broadcast at a cost and remuneration should be primarily based on content used rather than advertising revenue of Google and Facebook. To deny the ABC and SBS of remuneration from Google and Facebook is discriminatory against the public broadcasters and represents an unreasonable discrimination towards private publishers and broadcasters.

David Griffiths

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My point is in respect to large Australian media organisations wanting priority within the Google search results.

Google is a search engine for the internet, not a search engine for Australian Media only.

Prioritising media in the results will negatively impact the 100s of industries that rely on Google to get more customers, there's the potential for page 1 results within Google to only show Australian news articles which defies the purpose of having a search engine for the internet.

This will impact everyone from small local plumbers through to corporate IT suppliers negatively.

It is wrong for News Limited and other publishers to request access to algorithms in advance of every other industry, it is also wrong for the Media industry to be prioritised within the search results against actual businesses and informational websites like Wikipedia.

Shoaib Mughal