

Re: The Treasury Laws Amendment (News Media and Digital Platforms Mandatory Bargaining Code) Bill

To Whom it May Concern:

I have excerpts of the proposed bill, and the explanatory memoranda,

I have serious concerns about the implications of the bill. First of all,

* Why news media? News media are not the only type of content provider that provides a valuable public service at considerable cost. Why are you introducing a bill that specifically favours them? And if you force digital service providers to give special treatment to every category of content creator, this will become a quagmire of red tape

* In the definitions section of the bill, a digital media platform is regarded as “distributing content” merely by providing a link to content, or making it more likely that people will visit the content. This is an excessively broad definition of the term “distributing”. Would you claim someone was “distributing movies” merely because they publish the address of a local cinema?

* This bill will be harmful, I believe, to Australian news media and the Australian public. Facebook has already updated their terms and conditions in preparation for this bill, and might simply forbid users anywhere in the world from posting links to Australian news services. Non-news services, promoting conspiracy theories with no journalistic integrity would rush in to fill the void.

It is true that traditional news services struggle in the digital era. Some have responded by sacrificing journalistic integrity, others by charging for access. Both responses are detrimental to the public good. However, in accordance with the insights of Nobel prize-winners Pigou and Coase, the most efficient response to ensure the provision of a public good is not excessive regulation, but transfer payments to the provider, or from the economic agents hindering the provision of that public good.

To help news services provide top-quality journalism to the public for free, you could keep the register of News Services that this bill works with, and instead of penalising digital service providers, set up substantial grants that news agencies can use to improve the quality and accessibility of their product, and set up an independent commission for journalistic integrity which will have the power to decide who is eligible for these grants.