

Senate Economics Legislation Committee
Responses to Questions on Notice

Department of Infrastructure, Transport, Regional Development and Communications

1. What risks or unintended consequences has the Department identified and considered in relation to the Code?
2. What analysis has the Department done around impact, risks and unintended consequences in relation to the Code? Please specify: methodology, dates commenced, Branch and Section responsible, and consultants involved.

The development of the Treasury Laws Amendment (News Media and Digital Platforms Mandatory Bargaining Code) Bill 2020 (the Bill) has been led by the Treasury. However, the Department of Infrastructure, Transport, Regional Development and Communications (the Department) has contributed to, and supported, this work program.

The Department notes that the potential impacts of voluntary codes were considered as part of the Digital Platforms Inquiry, undertaken by the Australian Competition and Consumer Commission (ACCC), which has been certified by the Office of Best Practice Regulation (OBPR) as a process equivalent to a Regulation Impact Statement (RIS). This was augmented by a supplementary RIS prepared to assess the costs, benefits and risks of a mandatory code.

The Department has not engaged external consultants to examine the impact, risks or unintended consequences of the Code.

3. What analysis has the Department done around the impacts on media diversity in Australia if Facebook withdraws news and/or Google withdraws its Search engine from Australia? Please specify: methodology, dates commenced, Branch and Section responsible, and consultants involved.

The potential impacts of voluntary codes were considered as part of the ACCC's Digital Platforms Inquiry, which has been certified by the OBPR as a process equivalent to a RIS. This was augmented by a supplementary RIS prepared to assess the costs, benefits and risks of a mandatory code. The Department has not engaged external consultants to examine the impacts of the Code on media diversity in Australia.

4. What research has the Department undertaken or commissioned into the role of search and social media in news access and consumption in Australia? Please specify: methodology, dates commenced, Branch and Section responsible, and consultants involved.

The Department has not undertaken or commissioned specific research into the role of search and social media in news access and consumption. However, the Department has drawn on a range of data sources and reports in informing its advice to Government in relation to media policy issues.

- 5. What analysis or modelling has the Department undertaken to assess how the Code will improve commercial negotiation and revenue outcomes for Australian media businesses? Please specify: methodology, dates commenced, Branch and Section responsible, and consultants involved.**

The potential impacts of voluntary codes were considered as part of the ACCC's Digital Platforms Inquiry, which has been certified by the OBPR as a process equivalent to a RIS. This was augmented by a supplementary RIS prepared to assess the costs, benefits and risks of a mandatory code. The Department has not engaged external consultants to undertake any quantitative analysis or modelling of the potential impacts of the Code on commercial negotiation and revenue outcomes for Australian media businesses.

- 6. How will the Code support Australian media in the event Google and Facebook withdraw products and services from Australia and no revenue flows to the media as a result?**

The potential impacts of voluntary codes were considered as part of the ACCC's Digital Platforms Inquiry, which has been certified by the OBPR as a process equivalent to a RIS. This was augmented by a supplementary RIS prepared to assess the costs, benefits and risks of a mandatory code.