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ACCC's draft mandatory code on digital platforms is welcome but needs more work

Australia's union for journalists, MEAA, welcomes the draft bargaining code on digital platforms released today by the Australian Competition and Consumer Commission. It is an overdue step to force Google and Facebook to compensate media organisations for content they have been using for free.

"For nearly two decades Google and Facebook have built enormous fortunes off the back of aggregating content that others have made and others have paid for. It is a business model that has literally destroyed newsrooms around the world," said MEAA Media President Marcus Strom. "It is time that free lunch comes to an end."

MEAA welcomes the decision to proceed to a mandatory code in response to the intransigence of the digital platforms, but concerns remain about whether the compensation generated will also be used to fund a sustainable future for public interest journalism in Australia, how smaller outlets and start-ups will be able to access it and whether distributed funds will benefit the ultimate creators of value, our journalist members, including freelance producers of media news.

Strom said: "MEAA and many media organisations have been calling for recognition of the compensation issue for many years. Finally, those calls have been heard – albeit after great resistance from the digital platforms.

"This draft code is a great first step. It is underpinned by the ACCC's acknowledgement that 'a strong and independent media landscape is essential to a well-functioning democracy'. It acknowledges the clear bargaining imbalance between the digital behemoths and Australian news media companies.

"However, there are still issues that must be addressed and included in the code. We are concerned, for instance, that many of the new regional media outlets formed this year during the COVID-19 crisis could be excluded – and these innovative outlets are the organisations that need the most support," Strom says.

"Since January 2019 more than 200 broadcast and print newsrooms have closed temporarily or for good. So far in 2020, COVID-19 has contributed to the suspension or permanent closure of more than 100 newspaper mastheads, many of them in regional Australia. We estimate that the Australian media is on track to lose a further 1000 editorial jobs this year alone.

"The closure of so many regional newspapers in recent months demonstrates how precarious the battle for survival is for smaller media outlets. Regional media should benefit from the proposed code. We will need to review this issue in consultation with regional media outlets and our members," Strom said.

The code's coverage of content may also need refinement. MEAA believes that ring-fencing content to be covered by the code is likely to trigger disputation about what is and is not covered.

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MEAA welcomes the planned 28 days' notice for change to the algorithms used by the digital platforms to utilise the news content the media organisations create.

MEAA will examine the proposed code in detail and looks forward to working on a beneficial and sustainable outcome from the discussion stage of the ACCC's draft. to hunt down the whistleblower and the journalist.

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