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Return of the regulatory state: A stakeholder analysis of Australia's Digital Platforms Inquiry and online news policy

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ABSTRACT

In this paper, we undertake a stakeholder analysis of the Australian Competition and Consumer Commission's Digital Platforms Inquiry to understand the nature and influence of different forms of public input. Our findings show that nation-state regulation of digital platforms is now very much on the policy agenda worldwide, with a focus upon the competition policy dimensions of platform regulation. The second key finding is that the regulatory activism of the ACCC have ensured that the Inquiry and its findings have had maximum public impact. Finally, we argue that the key dynamic shaping the Inquiry was the competing demands of the traditional news media publishers and digital platforms, and that civil society input was relatively limited and secondary to the final recommendations.

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Introduction

The Australian Competition and Consumer Commission ("ACCC") delivered its *Digital Platforms Inquiry: Final Report* to the Australian Federal government in June 2019 into the impact of social media, search, and content aggregation platforms on competition in media and advertising services markets, and particularly on how they were influencing the supply of news and public interest journalism (ACCC 2019).¹ Based upon the ACCC's recommendations, the Australian Federal government has proposed a draft Mandatory News Media Bargaining Code, that would require Google and Facebook as the major advertiser-funded digital communications platforms to collectively negotiate with commercial news publishers for payment for the use of the news content they carry. Both the Inquiry and the Code have attracted considerable worldwide attention, being described as "a major shot across the bow from a regulatory perspective ... [that] could open up a Pandora's box around monetization and sharing of data" (Whitley 2020). The ACCC's Digital Platforms Inquiry is one of many recent inquiries, reports, and investigations on platform power and its economic,

social, and political impacts. It examines Terms of Reference related to news, journalism, and online advertising markets and also wider considerations of the interaction between competition policy, data privacy and consumer protection, and the health of the democratic public sphere (Beaton-Wells 2019; Sims 2019).

We analyze the Inquiry as a case study of broad-based national regulatory action on digital platforms and their competition effects. We undertake a stakeholder analysis of that process to understand the nature and influence of different forms of public input, with particular reference to the balance between the traditional media industries and representative professional group and trade unions, digital platform companies and their lobby groups, and civil society organizations and other non-government advocacy groups. As we show below, the ACCC Inquiry was primarily framed around the competing claims of media businesses and digital platforms, with much civil society and NGO input coming at a late stage of the process and having only limited impact.

Three issues arise out of the analysis that have wider implications for analyzing digital platform regulation. First, nation-state regulation of digital

platforms is now very much on the policy agenda worldwide, and there is a focus upon the competition policy dimensions of platform regulation as much as matters relating to content or access. As shown in [Table 1](#) below, the ACCC Inquiry is one of many reviews now taking place worldwide into aspects of the operations of the largest digital platform companies. In Australia, it has been the ACCC – an economic regulator tasked with competition policy and consumer protection – that has taken the policy lead, rather than the media and communications policy agencies such as the Australian Communications and Media Authority (ACMA). At the same time, its recommendations reach deeply into the future operations of the media in Australia, particularly in the context of a crisis of both print media publishers and commercial broadcasters.

The second key finding is that, while the factors leading to the Inquiry were somewhat contingent and not part of a larger strategy on the part of the Federal government (Flew and Wilding 2021), the regulatory activism of the ACCC, and its Chair Rod Sims in particular, have ensured that the Inquiry and its findings have had maximum public impact, and that the recommendations have been acted upon. An argument can be made that there is a need to view state agencies as significant actors in their own rights in the shaping of laws, regulations, and governance practices relating to digital platforms and the Internet.

Finally, we argue that the key dynamic shaping the Inquiry was the competing demands of the traditional news media publishers on the one hand, and the digital platforms on the other. This suggests that models of the “platform governance triangle” (Gorwa 2019) of firms, states and NGOs as three competing stakeholder entities require some modification. In particular, we need to think about the relationship between business and public policy, and the importance of differentiating competing corporate interests, which in this case were the traditional content- or copyright-based media industries and the digital platform companies. Allowing for the importance of inter-capitalist competition enables us to conceive of competing corporate interests, and not just relations between tech firms and civil society, as drivers of platform regulation, not least between news publishers as “copyright industries” (Viswanathan 2019) and platform businesses that operate primarily as content brokers and market organizers rather than as producers of news and other forms of creative content (Parker, Van Alstyne, and Sangeet 2016; Srnicek 2017).

Context: ACCC Digital Platforms Inquiry

Scandals involving digital platforms have served as a public catalyst globally for renewed debates about whether external regulation of these companies and their services is required (Flew 2018; Jamieson 2018; Pope 2018; Zuboff 2019). Such scandals have arisen at a time when the market power of Google, Facebook, and Amazon in search, social media, and online commerce markets has become apparent, leading to a new antitrust movement aiming to rein them in (Khan 2018; Shapiro 2018; Wu 2018). A prominent manifestation of this “antitrust populism” was the campaigns of 2020 Democratic Party presidential candidates, most notably Sen. Elizabeth Warren, for greater regulation of platforms with the application of stringent antitrust measures (Warren 2019). Notably, the revelations in 2018 of political consulting firm Cambridge Analytica’s acquisition of personal information from 87 million Facebook users, and its use in political campaigns, including the U.K. “Brexit” referendum, has also brought the privacy implications of platform use into focus, particularly third-party access to data (Briant 2020). With such scandals as well as those involving illegal content hosted and amplified through platform services, such as the Christchurch attacks, we see a gradual regulatory trend, beyond the cycle of “public shocks” that has characterized anxieties about the power of tech giants (Gillespie 2018), of increasing number of national legislatures and policy agencies calling for new forms of platform regulation (House of Commons 2019; Rozgonyi 2018; Soriano 2019).

In Australia, a Senate Selection Committee on the Future of Public Interest Journalism identified a 25 per cent decline in Australian journalism jobs between 2012 and 2017, amid an ongoing crisis of news publishing losing advertising revenues to digital platforms (Senate 2018). In light of this and other concerns, the ACCC Inquiry commenced in early 2018, and took place over 18 months. The Inquiry chose to focus specifically on Google and Facebook, because they have a dominant position in search and social media markets, account for 70 per cent of digital advertising revenues, and have a significant influence over online news distribution to Australian consumers. While the main purpose of the Inquiry was to investigate the impact of digital platforms on the supply of news and journalistic content, the Final Report canvassed other concerns, including the scope of digital platforms to disseminate disinformation and “fake news”; copyright infringement and the appropriateness of current copyright laws; and privacy and data protection. In December 2019, after a three-month consultation

period, the Australian Federal Government announced its response to the ACCC Inquiry's Final Report, accepting 19 of its 23 recommendations, and outlining an implementation strategy.

Our analysis will focus upon four contextual factors that informed stakeholder engagement with the ACCC inquiry:

1. The increasingly fraught relationship between digital platforms and news media publishers and its impact on news provision and the sustainability of journalism;
2. The problem of platforms' market dominance, particularly in digital advertising;
3. Criticisms of platform self-regulation, with concomitant querying of what roles civil society organizations and nation-states can and should play in governance of digital platforms and their operations;
4. The future of media regulation, and the question of whether digital platform companies need to be brought within the remit of convergent media policy to address questions of "regulatory imbalance" between traditional media and digital platforms.

Deteriorating platform-publisher relationship

The 2010s witnessed a major transformation in how news was produced, distributed and consumed. Most notably, the rise of digital platforms meant that an ever-increasing number of news consumers began to access news from search engines, news aggregators, and social media web sites, with "a weakening of the direct relationship between readers and publishers" (Newman et al. 2019, 13). At the same time, news publishers sought to address the decline in print circulation by leveraging the amplification affordances of digital platforms, and their capacity to reach consumers who had been disengaging from traditional news media (Tow Center 2018). The Pew Research Center found that, in 2018, 68 per cent of U.S. news consumers got news from social media, with Facebook as the largest source (43%), followed by YouTube (12%) and Twitter (8%) (Shearer and Matsa 2018). The Reuters Institute for the Study of Journalism found that the use of social media as a primary news source grew rapidly between 2013 and 2018, and its five-country survey found the percentage ranged from 31% of news consumers in Germany identifying social media as a primary news source, to 45% in the U.S., and 66% in Brazil (Newman et al. 2019, 10).

However, the relationship between digital platforms and news publishers has long been what the Tow Center referred to as an "uncomfortable union" (Tow Center 2018, 11). Platforms have for the most part been unwilling to pay for the news they host, have not returned significant revenues to the news media via referred traffic or advertising deals, and have changed content curation algorithms without warning, reducing traffic to news websites, as occurred with Facebook in 2017 and 2018 (Flew 2019). Social media news sharing has also radically re-shaped how journalism is selected, distributed, discussed, and valued, with reporters often conflicted about the attention given to social media metrics and the demands of social media interaction (Bossio and Holton 2019). Even as there is "a rapid and ongoing merging in the functions of publishers and platforms, and an often surprisingly high level of involvement from platform companies in influencing news production" (Tow Center 2018, 3), socially shared disinformation is also contributing to a decline in trust in journalism (Park et al. 2020).

Newer, "born digital" news sites such as BuzzFeed, HuffPost, Vice, and Vox were the most comfortable in tailoring their content to digital platforms, but even these "new news" sites have struggled to maintain platform visibility and advertising share, and they face similar challenges as legacy brands in ensuring financial sustainability, and navigating relationships with more powerful digital platforms as content distributors (Nicholls, Shabbir, and Neilsen 2017). News media business models remain in an ongoing crisis, that has not been resolved by strategies such as a shift from dependence on advertising to subscription revenue: the result is that journalism jobs and news availability – particularly at a local level – have continued to decline (Abernathy 2018; Cairncross 2019). Publishers have suffered an "atomization" of their content and dilution of brand recognition, as stories are unbundled from mastheads and programs, and the susceptibility of algorithmically driven news feeds to "fake news," disinformation and "low quality" news content (Allcott and Gentzkow 2017). Meanwhile, publishers bear cost of making news that is freely distributed on social media and attracts users to those platforms. In introducing its final report, the ACCC observed that "for many news media businesses, the expanded reach and the reduced production costs offered by digital platforms have come at a significant price" – the loss of advertising income that once underpinned journalism, and now affords platform market dominance (ACCC 2019, 1).

Digital platforms and market dominance

The ACCC's Inquiry found that both Google and Facebook had substantial market power. It observed that online advertising accounted for 50 per cent of all Australian advertising in 2019, and 47 per cent of this went to Google, 24 per cent to Facebook, and 29 per cent to all other web sites and ad tech (ACCC 2019). In the U.K., Internet advertising grew from 16 per cent of total advertising in 2007 to 48 per cent by 2017, while print advertising (newspapers and magazines) fell from 40 per cent to 7 per cent over the same period. The Cairncross Review also found that in 2019, 54 per cent of Internet advertising revenues went to Google and Facebook (Cairncross 2019).

The ACCC found considerable evidence that Google possessed overwhelming market dominance in the search market, and that Facebook was dominant in social media, albeit with more competition in the social media market than Google had in search. In Australia, Google accounted for 95 per cent of all online search activity and 50 per cent of browser usage, while Facebook accounted for 75 per cent of time spent on all social media by Australians (ACCC 2019). Summarizing the implications of such market power for news providers, ACCC Chair Rod Sims observed:

The financial difficulties of the traditional print sector (now the print/online media sector) have occurred at the same time as their content has been used by digital platforms to attract and retain consumers. Google and Facebook in particular generate a significant number of referrals to the websites of news media businesses and are unavoidable trading partners for a significant number of media businesses. These digital platforms appear to be more important to the major news media businesses than any one news media business is to the platforms. This creates a fundamental bargaining power imbalance between media businesses and Google and Facebook (Sims 2019, 17).

The ACCC indicated this unequal relationship had other aspects, with the news media lacking access to the scale, scope, detail, and quality of user data that might support competitive digital advertising strategies, and being vulnerable to algorithmic, format and policy changes that would negatively affect their ability to monetize content or build audiences. Further, the Inquiry's Final Report noted that "Google and Facebook have both the ability and incentive to favour their own related businesses (self-preferencing) at the expense of other business users of the platform" (ACCC 2019, 12).

Platform businesses such as Google and Facebook have acquired a dominant position in their markets due to a combination of advantages arising from: the ability to automate aspects of content publication, curation, commendation, and distribution, thereby reducing costs (Flew 2019); the capacity to access content supply for free from multiple sources rather than being reliant solely upon in-house professionals, meaning that they can scale up operations quickly without need to significantly increase their paid staff; operating in multisided markets which enables them to access data at scale from multiple sources (Poell, Nieborg, and van Dijck 2019); and, as digital platform markets have become more concentrated, inequalities in bargaining power between a large number of media content creators and publishers reliant upon a small number of digital platforms to reach online consumers.

The ACCC observed that the third and fourth factors – control over large amounts of data and highly concentrated digital markets – generated a combination of information asymmetries and unequal bargaining relations between digital platforms and traditional news businesses. These factors left news publishers susceptible to three forms of competitive disadvantage not based upon their own market conduct:

- The lack of warning provided by digital platforms to news media businesses of changes to key algorithms relating to the display of news content or news referral links, as occurred with Facebook in 2017
- The implementation of policies and formats that may have a significant and adverse impact on the ability of news media businesses to monetize their content and/or to build or sustain a brand, and therefore an audience
- The impact of such policies on the incentives for news and journalistic content creation, particularly where significant effort is expended to research and produce original content (ACCC 2019, 16).

New regulatory activism and the limits of self-regulation

For much of the 20 years since the Internet became public in the mid 1990s, the regulatory environment has been one where the role of governments was seen primarily as facilitating growth in Internet access and lightly regulating online services providers. For instance, Section 230 of the *Communications Decency*

Act 1996 indemnifies digital platforms from liability for the content they hosted under “safe harbor” provision. More broadly, since digital platforms were seen as harbingers of new forms of competition and digital innovation, government intervention was taken to be a greater risk to the public interest than market failure (Streeter 2011). Within regulatory agencies themselves, the push was for responsive regulation (Ayres and Braithwaite 1992), where the bulk of regulatory oversight is devolved to industry bodies and to companies themselves, with governments stepping in only as a last resort. Among the Internet community, there was a strong implicit, and often explicit, attachment to what the communications scholar Ithiel de Sola Pool (1983, 8) referred to as “freedom as a policy ... [and] how to reduce public control of communication in an electronic era.”

The regulatory climate has changed significantly since the mid 2010s, with dozens of inquiries and reviews, regulatory proposals, reports and guideline drafts being undertaken across multiple jurisdictions (see Table 1). The range of policy reviews include those dealing with privacy and data protection, online harms, hate speech, disinformation and terrorist content, anti-competitive practices and market competition, content moderation, electoral interference, the future of journalism, and artificial intelligence. French President Emmanuel Macron captured the changing *zeitgeist* among political leaders in his opening speech to the 2018 Internet Governance Forum in Paris, when he argued that the weight of such concerns “leads to growing responsibility of platforms and regulation of the Internet ... we need to move away from the false possibilities we are currently offered, whereby only two models would exist: that, on the one hand, of complete self-management, without governance, and that of a compartmented Internet, entirely monitored by strong and authoritarian states” (Macron 2018).

Gorwa has observed that “the current ‘platform governance’ status quo ... is rapidly moving away from an industry self-regulatory model and toward increased government intervention” (Gorwa 2019, 2). Similarly, Nash and Bunting observed that:

The question is what kind of regulation, if any, can address growing concerns about platform impacts while preserving their benefits ... Legal cases are being fought which challenge the freedom of platforms to offer services without taking sufficiently responsible steps to protect longstanding rights ... legislators are moving to enact laws which might remove some of the legal protections that online service providers have thus far relied upon to avoid liability. Regulation seems inevitable – but how, and to what end? (Nash and Bunting 2018, 30).

The ACCC’s Digital Platforms Inquiry sits clearly within this emergent paradigm, dealing primarily with competition and market power, news and advertising markets, and the role of journalism in a democratic society and its sustainability, but secondarily with matters relating to privacy, data protection, regulatory parity, and online harms.

Regulatory imbalance and the relationship of digital platforms to media policy

Traditional media companies complained throughout the ACCC inquiry that they are at a competitive disadvantage in the degree to which their businesses are regulated by the state, unlike platforms and tech companies. On its part, ACCC observed in its Final Report that:

Digital platforms actively participate in the online news ecosystem, performing several of the same functions as news media businesses. This means that digital platforms are considerably more than mere distributors or pure intermediaries in the supply of news content in Australia. Despite this, virtually no media regulation applies to digital platforms in comparison with some other media businesses (ACCC 2019, 166).

This is something of an exaggeration, as platforms subject to Sharing of Abhorrent Violent Materials Act (2019) and Enhancing Online Safety Act (2015). However, as Napoli and Caplan (2017) observe, the platform businesses’ successful presentation of themselves as technology companies, distinct from media companies, has shielded them from the laws applied to legacy media companies.

Yet Picard and Pickard have identified the extent to which some platforms are not only central to media distribution, but are taking on the attributes of publishers in “monitoring, regulating, and deleting content, and restricting and blocking some users, functions that are very akin to editorial choices” (Picard and Pickard 2017, 6). As they note, the definition of a media company in the Internet age has “implications for assumptions about the social responsibilities of powerful platforms such as Google and Facebook,” including what they should be expected to do about entrenched problems such as online violence and disinformation (6).

As per Section 230 of the *Communications Decency Act 1996*, digital platforms are outside of purview of media policy, as they are from a legal perspective information aggregators that distribute, curate, moderate, and commission content, and based on this

Table 1. International inquiries and reviews into digital platforms (as of August 2020).

| Name of initiative | Country/region | Author | Date |
|--|-------------------|--|----------------|
| Hate Crime: Abuse, Hate and Extremism Online | United Kingdom | House of Commons Home Affairs Committee | April 2017 |
| Internet Safety Strategy – green paper | United Kingdom | The Department for Digital, Culture, Media and Sport | October 2017 |
| Final Report of the High Level Expert Group on Fake News and Online Disinformation | Europe | European Commission | March 2018 |
| Poisoning Democracy: How Canada Can Address Harmful Speech Online | Canada | The Public Policy Forum | August 2018 |
| Abusive and Offensive Online Communications: A Scoping Report | United Kingdom | Law Commission | November 2018 |
| The ACCC Digital Platforms Inquiry (Preliminary report) | Australia | Australian Competition and Consumer Commission | December 2018 |
| Impact of Social Media and Screen-use on Young People’s Health | United Kingdom | UK Parliament: Science and Technology Committee | January 2019 |
| Disinformation and ‘Fake News’: Final Report | United Kingdom | The Department for Digital, Culture, Media and Sport | February 2019 |
| The Cairncross Review: A Sustainable Future for Journalism | United Kingdom | The Department for Digital, Culture, Media and Sport | February 2019 |
| Report on the Investigation into Russian Interference in the 2016 Presidential Election | The United States | The United States Department of Justice | March 2019 |
| Unlocking Digital Competition: Report of the Digital Competition Expert Panel | United Kingdom | Digital Competition Expert Panel | March 2019 |
| Regulating in a Digital World | United Kingdom | House of Lords Select Committee on Communications | March 2019 |
| Competition Policy for the Digital Era | Europe | European Commission | April 2019 |
| Online Harms White Paper | United Kingdom | The Department for Digital, Culture, Media and Sport | April 2019 |
| Market Study into Mobile App Stores | Netherlands | The Netherlands Authority for Consumers and Markets | April 2019 |
| Joint Investigation of Facebook, Inc. | Canada | Privacy Commissioner of Canada and the Information and Privacy Commissioner for British Columbia | April 2019 |
| The Christchurch Call to Action: To Eliminate Terrorist and Violent Extremist Content Online | New Zealand | New Zealand Parliament | May 2019 |
| An Introduction to Online Platforms and Their Role in the Digital Transformation | France | OECD | May 2019 |
| Creating a French Framework to Make Social Media Platforms More Accountable: Acting in France with a European Vision | France | French Secretary of State for Digital Affairs | May 2019 |
| Age Appropriate Design: A Code of Practice for Online Services - consultation document | United Kingdom | Information Commissioner’s Office | May 2019 |
| The ACCC Digital Platforms Inquiry (Final Report) | Australia | Australian Competition and Consumer Commission | July 2019 |
| Select Committee on Democracy and Digital Technologies | United Kingdom | House of Lords Democracy and Digital Technologies Committee | July 2019 |
| A New Competition Framework for the Digital Economy | Germany | Competition Law 4.0 Commission | September 2019 |
| Report of the Standing Committee on Access to Information, Privacy and Ethics | Canada | International Grand Committee on Big Data, Privacy and Democracy | December 2019 |
| Canada’s Communications Future: Time to act report | Canada | Broadcasting and Telecommunications Legislative Review Panel | January 2020 |
| CDEI Review of Online Targeting | United Kingdom | Center for Data Ethics and Innovation | February 2020 |

content sell advertising and develop media and communications businesses (Flew 2019). However, with the *platformization of the Internet* (Flew 2019), new

questions arise that go beyond the financial consequences for incumbent media of regulatory imbalances.

Media scholars have argued that structural changes in the production, dissemination and consumption of news arising from platforms' algorithmic curation have fundamentally challenged the assumptions around speech and counter-speech that have traditionally informed First Amendment jurisprudence (Napoli 2019). Conversely, legal theorists have questioned the traditional focus of anti-censorship campaigns upon the state when a small number of private digital platform companies have the capacity to massively shape the public sphere and to restrict speech, without any of the accountability or transparency mechanisms applied to censorship and media regulation in liberal democracies (Cohen 2017; Langvardt 2017, 2018). The challenge presented to media policy by digital platforms is that the way in which they are designed and governed "not only makes possible social activity, it calls it into being, gives it shape, and affirms its basic legitimacy as a public contribution. Platforms don't just mediate public discourse, they constitute it" (Gillespie 2018, 22).

For these and other reasons, recent public inquiries have concluded that digital platforms should not be considered just technology companies. For instance, the U.K. Department of Digital, Culture, Media and Sport recommended in its Final Report, formation of a new category of tech company, "which tightens tech companies' liabilities, and which is not necessarily either a 'platform' or a 'publisher' ... This approach would see the tech companies assume legal liability for user generated content identified as harmful after it has been posted by users" (House of Commons 2019, 10).

Inquiry scope and the issue of platform governance

Parker, Van Alstyne, and Sangeet (2016) identify governance practices as intrinsic to multisided platforms since: "Multisided platforms involve numerous interests that don't always align" (159). Gorwa's (2019) conception of a *platform governance triangle* (Figure 1) captures the primary stakeholder relationships at play, albeit not the shifting allegiances across categories and also the heterogeneity of interests within them. Drawing upon Abbott and Snidal (2009) *governance triangle* for governance in general, Gorwa observed that platform governance involves interactions between three sets of institutional actors: firms (corporations and industry associations), non-government organizations (NGOs, e.g., non-profits, academics, and activists); and state actors (governments and

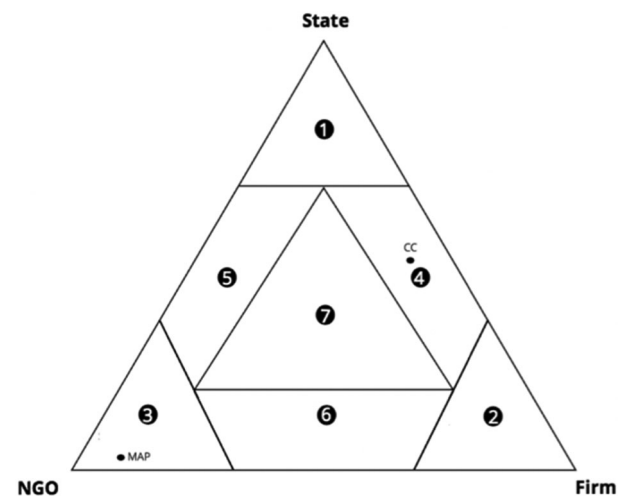


Figure 1. Platform Governance Triangle (Gorwa 2019; following Abbott and Snidal 2009).

other supranational groupings of governments). The Manila Principles on Intermediary Liability (MAP), for instance, are situated in quadrant 3 of the triangle, given that they are a global civil society initiative. The Christchurch Call (CC) – an initiative against terrorist and violent extremist content online – is placed between state and firm (quadrant 4) because the New Zealand's Prime Minister Jacinda Ardern and French President Emmanuel Macron joined to bring together technology leaders and governments (Gorwa 2019).

For much of the Internet's history, firms have governed content. Involvement of states and NGOs has mostly been via multistakeholder Internet governance initiatives (e.g., UN-ITU led World Summit on the Information Society) that could at best recommend codes of good practice, as opposed to compel corporate behavior.

More recently, we can see some platform consultation with NGOs, or civil society more broadly, and much more regulatory activism from nation states on behalf of civil society and firms, extending the activity around the triangle's seven quadrants. Corporate-led initiatives involving limited engagement with NGOs, but not state actors, include the Twitter Trust and Safety Council, and the Facebook Oversight Board. Germany's Network Enforcement Act (NetzDG), introduced in 2017, is an example of a state actor regulating digital platforms on civil society's behalf. It says that social networking sites with more than 2 million German users can be found liable if they do not rapidly remove illegal content (Bundestag 2017). The proposed Australian Mandatory News Media Bargaining Code, which aims to address imbalances in commercial relations between digital platforms and news businesses and which will be overseen by the

Table 2. Categories of submitters to the ACCC digital platforms inquiry.

| Categories of submitters | Submissions to the Issues paper (March 2018) | Submissions to the Preliminary report (July 2018) |
|---|--|---|
| Charities, non-profits, policy and advocacy groups | 5 | 19 |
| State regulators and agencies | 2 | 4 |
| Digital platforms (including streaming services, search engines, social networking sites, internet and technology companies, and representatives) | 7 | 11 |
| Media companies | 13 | 13 |
| Media industry standards bodies and associations | 8 | 11 |
| Media worker and artist professional associations, and journalists | 3 | 4 |
| Advertising companies | 3 | 0 |
| Advertising industry standards bodies and industry associations | 4 | 4 |
| Telecommunications companies, industry and professional associations | 0 | 4 |
| Research centers, think tanks, PhD students, independent experts, and scholars (current and former) | 9 | 14 |
| Lawyers, law firms, law industry bodies and regulators | 2 | 8 |
| Companies, industry and professional associations not accounted for elsewhere | 3 | 15 |
| Unknown/confidential parties, small business owners, and consumers | 9 | 7 |

Australian Communication and Media Authority (ACMA) in a co-regulatory framework (ACCC 2019; Sims 2019), would sit between the state and the firm, as the state would be involved in brokering relations between competing corporate interests.

Methodology

We draw upon stakeholder analysis to investigate the scope of the ACCC Digital Platforms Inquiry, the influence of stakeholder submissions on its Final Report, and the process through which it reached its recommendations. Stakeholder analysis is “associated with conceiving of society as a set of organized and competing interests and identifies the role of the state and policy-making institutions as one of reconciling these competing interests toward shared goals” (Flew and Lim 2019, 350). From the stakeholder perspective, a policy agency such as the ACCC has a critical facilitative role, bringing its own expertise to the issues at hand but also enabling dialogue between diverse interests. It is charged with identifying stakeholders (including other government agencies), encouraging their engagement with policy consultations and making those consultations accessible, collecting, and assessing their input and steering the policy process toward outcomes likely to achieve a high level of stakeholder consensus. In doing so, it raises issues outside the political consensus, and brings independent research to bear on the deliberation process.

With its origins in business management literature (Freeman 1984), stakeholder analysis also aligns with notions of *corporate social responsibility*, and the idea that the modern corporation has public obligations over and above its obligations to maximize profits for

shareholders (Dahl 1982; Galbraith 1973; Hutton 1997). This is sometimes also referred to as the *social license to operate* (Dare, Schirmer, and Vanclay 2014) and has become increasingly important globally in the wake of a range of corporate scandals and debates about the future of capitalism (Collier 2018; Mason 2015). The American Business Roundtable issued a Statement on the Purpose of a corporation in August 2019, signed by 181 CEOs, that called on business leaders to “commit to lead their companies for the benefit of all stakeholders – customers, employees, suppliers, communities and shareholders” (Business Roundtable 2019; cf. The Economist 2019). In light of the power, reach and global influence of the largest digital platform companies, it is not surprising that they now find themselves called to account by governments on behalf of their multiple stakeholders, including citizens and consumers of their products and services. The ACCC Inquiry identified platform relationships to traditional news media businesses as a central part of that corporate social responsibility, although as we will show below, this was a contested notion throughout the Inquiry.

To identify Inquiry stakeholders, we examined submissions on the initial terms of reference and February 26, 2018 issues paper (ACCC 2018), and then compared these to submissions made in response to first interim report of the inquiry, noting the agencies cited in that report. Following Aufderheide and Davis (2017), we used a two-step process of examining the 68 initial submissions and 112 interim report submissions, developing a draft table of participants and stakeholder categories according to organizational self-descriptions, funding models, and sectoral roles. We then revised those categories to assess and

eliminate single anomalies, resulting in [Table 2](#). Submission data was subject to basic thematic content analysis (Herzog, Handke, and Hitters 2019) by considering the terms of reference responded to, and key questions or recommendations raised.

The ACCC inquiry stakeholders

While the ACCC's final report focused on the impact of digital platforms on outcome for three groups – advertisers, media content creators and consumers – we identified 13 categories of stakeholders contributing submissions to either the initial issues paper or in response to the Inquiry's preliminary report. Media companies, platform companies, media and advertising industry associations, and media unions and professional groups (such as the Media, Entertainment and Arts Alliance), were prominent among the first expert stakeholders to address the Inquiry's terms of reference, accounting for 55.8% of all submissions (38 of 68 submissions). Following the release of the Preliminary Report, the ACCC undertook widespread consultation through journalism, advertiser, consumer, and general stakeholder forums, a privacy roundtable, a future of journalism roundtable, and a small business association meeting. Commissioner Rod Sims' public advocacy of the issues, in consultations and the media, saw a significant jump in the diversity of stakeholder submissions, including charities, non-profits, policy and advocacy bodies, business associations, academic researchers, legal groups, and small companies. Interests directly related to the media, digital platform and advertising sectors accounted for only 37.7% of second round submissions (43/114), while the broadly defined NGO sector (including charities, non-profits, policy and advocacy groups, academics and research centers, and legal groups) accounted for 35.9% of submissions responding to the Preliminary Report (39/114).

While the stakeholders' submissions to the Inquiry reflect a large number of issues related to digital platforms, such as online harms, privacy, and copyright, for the purposes of this paper, our analysis focuses on four prominent issues: digital platforms' impact on news provision and the sustainability of journalism, platforms' market dominance, criticisms of platform self-regulation, and regulatory imbalance between traditional media and digital platforms.

Digital platforms' impact on news and journalism

Our findings highlight the increasingly fraught relationship between digital platforms and news media publishers. Media companies, which contributed the

greatest number of submissions to the Inquiry, indicated the extent to which digital platforms' practices have adversely impacted news and journalism. Similar to the findings of other inquiries (see, for example, Cairncross 2019), the stakeholders' concerns stemmed from the extent to which digital platforms have radically impacted media companies' revenue streams. The loss of advertising income that once underpinned journalism received significant stakeholder attention (see, for example, Fairfax Media 2018). Fairfax Media (2018) observed that despite the companies' greater audience reach since the rise of digital platforms, this has not translated into digital advertising revenue. With Google and Facebook receiving a significant proportion of online advertising revenue, stakeholders reported cuts to both operational expenditure and employment of staff (Media and Entertainment and Arts Alliance 2018; Walkley Foundation 2018). For this reason, News Corp Australia (2019) submitted that digital platforms' substantial market power combined with their anti-competitive practices impacts the range and quality of original journalism.

A common concern raised by media companies and their accompanying professional associations and industry standards bodies was how digital platforms monetize and profit from content that they do not create. Seven West Media (2018, 2–3) explained: “Given the two-sided nature of the market, digital search engines and social media platforms can attract users of search, news and entertainment services in connection with content that they neither fund nor acquire at a commercial value from content providers. They 'monetize' that 'free' content through advertising revenues accruing to them.” In a similar vein, media stakeholders, notably News Corporation, raised intellectual property concerns, such as digital platforms' hosting of “unauthorized” content copied from original reporting in news media publications – a problem which is exacerbated by platforms' failure “to enforce policies intended to remove unauthorized content or the promotion of websites and illicit streaming devices that distribute unauthorized content,” as Foxtel (2019, 5) reported.

Media industry submissions emphasized how the issues of ad revenue loss and IP breaches were compounded by media companies' dependence on digital platforms for audience reach. In its submission to the Inquiry's Issues Paper, the Media, Entertainment and the Arts Alliance (2018, 3) reported that “News media companies are now strategically dependent on digital platforms to drive traffic to media websites (and associated platforms), yet the relationship is severely

imbalanced.” In this respect several stakeholders reported how – without warning – Facebook had amended its news feed algorithm, negatively affecting the visibility of news and journalistic content. Free TV noted that this shift demonstrated how “substantial investment in creating engaging content can be undermined at any moment by Google and Facebook changing their algorithms in ways that dramatically reduces organic reach” (Free TV Australia 2018, 33). In its draft News Media Bargaining Code regulation, an outcome of the Digital Platforms Inquiry, the ACCC has sought to ameliorate this problem. The draft Code provides that Google and Facebook must give 28 days’ notice of any algorithmic changes that will affect traffic referral to news or the ranking of news.

Among many other stakeholders, Commercial Radio Australia (2018, 10) highlighted the fundamental and problematic role that digital platforms now play in distributing news and information, and its discovery by users. The media company noted that a consequence of Google and Facebook’s monopoly is that it “has the potential significantly to limit diversity, reduce quality and create ‘filter bubbles’ of restricted content, often with no regard for factual accuracy, balance or diversity of viewpoints.” In spite of these concerns, the “uncomfortable union” (Tow Center 2018, 11) between the sectors means that media companies must continue to work with digital platforms in order to disseminate their content to large audiences. As the Commission observes, both Google and Facebook are “unavoidable trading partners” for media businesses (ACCC 2019, 58).

There was general support for the ACCC to investigate ways to improve the ability of news media businesses to fund the production of news and journalism. As noted, the Commission’s draft Mandatory News Media Bargaining Code, if enacted, will require Google and Facebook to pay for the use of the news content they host, among other requirements. Despite Google and Facebook’s initial cooperation with the Inquiry, both companies have vehemently opposed the Code. In its response to the ACCC’s News Media Bargaining Code Concepts Paper, Google (2020) argued that its “platforms are not the cause of the inherent difficulties with monetizing journalism or any market failure” (2) and that “[t]he Code should not require search engines to pay for crawling, indexing and displaying links and extracts of websites, or require publishers to pay us for these services” (3). More recently, Google published an open letter on the proposed law, arguing that “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” (Silva 2020).

Google has also sought to mobilize opposition through advertising on its search engine and a campaign to enlist YouTubers to petition the Federal government to withdraw the legislation (Barnet 2020). While the final Code is yet to be settled, the competing demands of the traditional news media publishers and digital platforms highlights the burgeoning tension competing business sectors whose business models both differ in fundamental ways (content production/distribution versus network economies of scale and scope and data-driven growth), and compete in the same markets (most notably for advertising revenues).

Digital platforms’ market dominance

The extent to which digital platforms companies hold market dominance received a great deal of attention (see, for example, News Corp Australia 2019; Nine 2018; Public Interest Journalism Initiative 2019). The media industry’s concerns were summarized by News Corporation which reported on Google’s alleged dominance in digital advertising, the supply of advertising technology, Internet browsing, and video content. On the other hand, Facebook received attention for its dominance in social media, instant messaging, photo sharing, live video streaming, and video sharing. According to News Corp Australia (2019,5), the result of this “market dominance of the two US tech giants Google and Facebook is such that they constitute an effective duopoly on online Australian media.”

A prominent concern shared by media companies and the professional associations that represent them was digital platform companies’ dominance in digital advertising (see, for example, Australian Association of National Advertisers 2018; Free TV Australia 2018; Media and Entertainment and Arts Alliance 2018). As News Corp Australia (2019, 14) observed: “Google’s dominance in relation to search, video, mobile device operating systems and Internet browsers means that it also dominates the supply of digital advertising opportunities.” Free TV Australia (2018, 5) argued that digital platforms exert dominance over every element in the supply chain, which “results in little or no ability to bilaterally negotiate terms and conditions. The duopoly can also impose their own technical

standards that have the potential to advantage their own products and clients.”

Indeed, stakeholders emphasized how Google requires companies to use its ad tech services if they want to purchase advertising space on its platforms (Australian Association of National Advertisers 2018; News Corp Australia 2019; Nine 2018). Media companies also described how Google and Facebook’s dominance in their own digital advertising products contribute to their insurmountable data advantage (see, for example, Fairfax Media 2018; Nine 2018). According to Nine (2018, 32), “Google bundles much of its data with its analytics platforms, and advertising technology products (such as its demand side platform and supply side platform), so that the only way to access that data is through Google’s ad tech products.” The Guardian News and Media Australia (2019, 8) described the limitations of these products, noting that: “The process of targeting advertising at individuals – often through the use of a lunar landscape of intermediaries sitting between advertisers, publishers and citizens – is cloaked in complexity, uncertainty and a lack of transparency.” Such “opacity by design,” Guardian News and Media Australia (2019) argued, enables and exacerbates advertising fraud and loss of revenues. For these reasons, stakeholders (see, for example, Australian Film and TV Bodies 2019) supported the introduction of new regulations to address nontransparent advertisement metrics.

Google and Facebook in turn rejected claims that they hold substantial market power in search, advertising, news media referrals, and social media services. For display advertising, Google argued (2019, 7) that “the Preliminary Report makes no finding that Google has market power and does not allege any specific anticompetitive favoring. In fact, the Preliminary Recommendation is based on a few hypothetical scenarios that are either implausible or unlikely to be anticompetitive.” Facebook responded Facebook (2019, 6) by arguing that its access to data does not result in more effective advertising as “the data used to personalize Facebook’s services is neither necessary nor sufficient for success in digital advertising.” Despite the platforms’ opposition, the ACCC did find that Google and Facebook have substantial market power in search and social media respectively, which was continually reinforced by their ongoing data collection across multiple layers of business activity (ACCC 2019).

Criticisms of digital platform self-regulation

Digital Platform Inquiry stakeholder responses support the proposition that the regulatory climate has

changed, as platform self-regulation has failed to ease government and regulator concerns (Flew and Gillett 2021). Submissions focus attention to the role that civil society organizations and nation-states can (and should) play in platform governance, also indicating that nation-state regulation is very much on the agenda. Like the attention paid to matters concerning content and access, the scope of the stakeholders’ concerns and the ACCC’s recommendations highlight a burgeoning focus on the competition policy dimensions of digital platform regulation.

Difficulties with platform self-regulation received considerable stakeholder attention. In their response to the ACCC’s Preliminary Report, the Australian Film and TV Bodies (2019, 15) supported new digital advertising regulations, arguing that “self-regulation by digital platforms in this area is unlikely to be effective, given the significant financial interest that the digital platforms have in controlling the data that they use to earn revenue.” Civil society organizations primarily questioned reliance on digital platforms’ self-regulation for privacy and data protection (Access Now 2018) and emphasized online harms to children. In their joint submission to the Preliminary Report, the Australian Council on Children and the Media (2019) and the Foundation for Alcohol Research and Education (2019) supported independent regulation of platform advertising (Australian Council on Children and the Media 2019). In their view “self-regulation invariably results in codes that fail to restrict companies in doing what they want to do; that are interpreted in the manner most favorable to the companies’ interests; and that operate more as a public relations exercise than as a vehicle for corporate social responsibility” (Australian Council on Children and the Media 2019, 1).

Civil society organizations, however, were not consistent in their calls for regulatory change. Some cautioned against the ACCC’s proposed regulations, arguing that they have the potential to undermine human rights. In its submission to the Inquiry’s Issues Paper, Access Now, which defends users’ digital rights worldwide, argued that the threat of severe penalties for digital platforms posed by government legislation could have chilling effects on freedom of expression and privacy rights. Despite Access Now’s warning against “over-the-top” services regulation and legislative regimes that limit speech, its calls for regulation moved beyond self-regulatory standards, echoing Europe’s digital privacy legislation the General Data Protection Regulation (GDPR). It further submitted that “comprehensive data protection regulations,

including a right to access, right to portability right to information, right to object, right to rectification, and a right to explanation” would be the optimal way to protect digital platform users and prevent predatory business practices (Access Now 2018, 4).

During the term of the Inquiry, digital platforms’ responses to the ACCC’s regulatory proposals underwent some change. Following the publication of the Inquiry’s Final Report, Facebook’s Head of Global Policy and Communications Nick Clegg published an op-ed in *The Sydney Morning Herald* about the importance of new regulatory initiatives, as “designing the rules of the Internet should not be left to private companies alone.” On behalf of Facebook, Clegg concluded by observing: “We welcome the ACCC’s call for new regulatory frameworks that hold digital platforms to account and we welcome the opportunity to engage with the Australian government about the precise shape of the new principles and oversight for how Australians receive news online” (Clegg 2019). However, since that Facebook has announced that it could block Australian users from sharing news content if it is forced to bargain with news media for revenue sharing under the new draft code (Doran and Hayne 2020).

In its submission to the Preliminary Report, Facebook (2019) also opposed regulation of its users News Feeds and advertising on the service. As noted earlier, Google has criticized the proposals, calling on its users to make submissions to the ACCC’s News Media Bargaining Code. One reason for this shift might be the broad scope the Inquiry covered. Indeed, what was originally conceptualized as a narrow competition investigation, eventually encompassed a broad range of concerns and recommendations (Flew and Wilding 2021).

Regulatory imbalance and the future of media regulation

A common concern expressed by the stakeholders was the “regulatory imbalance” between traditional media and digital platforms. Traditional media companies argued that they are at a competitive disadvantage, since their businesses are bound by state regulations that do not apply to digital platforms and tech companies (see, for example, Nine 2018). For many stakeholders, including media companies and charities, non-profits, policy and advocacy groups, the curatorial and editorial role that digital platforms play in distributing user-generated content justifies more onerous regulation. As the Public Interest Journalism

Initiative (2019, 3) noted: “Clearly, digital platforms are key distributors of news content, and have become a key means by which news, including journalism, is distributed, produced, accessed and consumed ... It is not sufficient for the digital platforms to protest that they are not publishers in order to evade regulation.” The then Chair of the Australian Press Council, Professor David Wesibrot AM, summarized this argument, noting that “Facebook is now a leading global publisher in all but name” (Australian Press Council 2018, 6).

As to be expected, digital platform companies did not agree with this characterization of their services. Twitter (2019, 2) sought to distance itself from its counterparts, minimizing the platform’s role in curating user-generated content, arguing that the company “uses algorithms very differently to other services. Our news algorithm is not dictated by the platform; it is dictated by the user’s choices on who they follow.” Similarly, rather than serving as a news curator, Facebook (2019, 8) emphasized its core function as being to “connect people with their friends and family” – a recurring argument, which has dominated recent corporate statements.

The future of media regulation, and the question of whether digital platform companies need to be brought within the remit of convergent media policy, (including a growing interrogation internationally of the notion that digital platforms can or should be outside of the scope of media laws and policies) received considerable stakeholder attention. Media companies and the industry bodies that represent them emphasized the range of laws and regulations that apply to traditional media companies, but which largely do not apply to digital platforms. Commercial Radio Australia (CRA 2018, 1), Australia’s apex industry body representing the interests of commercial radio broadcasters, submitted that the “gaping inequality between the regulations applicable to traditional broadcasters compared with digital platforms.” Observing the limitations of current regulatory frameworks, the ACMA (2018) found the *Broadcasting Services Act 1992* lacking in today’s context marked by technological developments, including the emergence of digital platforms. CRA and Nine noted broadcasters are subject to election advertising restrictions that limit traditional media election advertising, while digital platforms face no such restrictions. Such a disparity, they argued, means that the platforms receive an unfair advantage to collect advertising revenue during blackout periods.

Following the Preliminary Report, large media company submissions supported the creation of a unified, platform neutral regulatory framework (recommendation 6) (see, for example (Nine 2019; SBS 2019)). Interestingly, the Australian Association of National Advertisers was the only advertising stakeholder in favor of regulating platforms as “content creators and distributors,” arguing for regulatory harmonization across all media. Media companies were also largely in support of recommendations 4 and 5, the creation of a regulatory authority that would determine whether platforms were engaging in discriminatory or anti-competitive conduct, and which would investigate the ranking of news and journalistic content and the provision of referral services to news media businesses. Regulators and the bodies that represent media companies were also in favor of these recommendations, with the ACMA (2019) recommending that the ACCC’s Final Report identify it as the single content regulator, which would cover these roles.

Several civil society organizations, however, called into question the implications of the ACCC’s proposed digital platform regulations in their responses to the Preliminary Report (see, for example, Access Now 2018). Despite the Commission’s calls to address regulatory imbalance, the Global Antitrust Institute (2019, 21) argued that the proposed regulations would not result in parity, “because the regulations proposed for Google and Facebook are significantly more onerous than those the Report says apply to other media.” Although civil society actors contributed a great deal at a late stage of the consultation period, their impact on the ACCC’s recommendations was limited. Instead, the Final Report was primarily framed around the concerns of media companies, particularly News Corp Australia about the impacts of platform companies’ market dominance of content distribution and advertising share, leading to unequal economic bargaining relationships and the gradual disappearance of journalism jobs and news media publishers.

Conclusion

This stakeholder analysis of the Australian Competition and Consumer Commission’s Digital Platforms Inquiry, conducted from 2018 to 2019, draws attention to the emerging shape of public policy initiatives which may increase regulatory scrutiny of the largest digital technology and platform companies. The Treasury Laws Amendment (News Media and Digital Platforms Mandatory Bargaining Code) Bill

2020 went before the Australian House of Representatives in December 2020, adopting the bulk of the ACCC’s recommendations concerning the right of news publishers to receive financial returns from Google and Facebook for digital distribution of their content, and the need for arbitration in light of the failure of the parties to reach agreement on a voluntary Code (Gilbert + Tobin 2020). It will be subject to a Senate committee review before being presented to parliament in February or March 2021, where it is expected to pass through the House and the Senate and to become law.

The ACCC Inquiry reflected a worldwide trend toward public inquiries into the power of “Big Tech” – also referred to as the “techlash” (Flew 2018) – and legislation that responds to such public concerns. While the ACCC Digital Platforms Review shared common concerns with other inquiries, such as the Cairncross Review on the future of Journalism in the UK, it has gone further than other enquiries in recommending a Mandatory News Media Bargaining Code to address perceived power imbalances between digital platform companies and traditional news media businesses. Such recommendations have been motivated by a mix of economic and socio-political concerns, from concerns about monopoly power and asymmetric information in media and advertising markets, to concerns about the health of liberal democracy in the face of a declining number of viable commercial news publishers.

In analyzing the range of stakeholders engaging with the ACCC Inquiry, and the wider policy landscape in which it is located, the study made use of the platform governance triangle (Abbott and Snidal 2009; Gorwa 2019). In doing so, we identified a significant limitation with this framework in accounting for how inter-capitalist competition presents itself in public policy debates. The primary driver of the ACCC Inquiry, and of the political debates that occurred both during the inquiry and in implementation of the resulting new regulations, has been between the contestation between the digital platform companies on the one hand, primarily Google and Facebook, and the traditional media publishers on the other, led by News Corp Australia. It is highly unlikely that an Inquiry of this scale and scope would have taken place under a conservative government were it not for the influence of traditional news media giants, as the history of past media inquiries in Australia that withered for lack of political support (Flew 2016). This reflects a deeper tension between the business models of the copyright-based media industries, that have invested

heavily in content production so as to realize subsequent revenue streams over time through direct sales as well as advertising, and the platform-based business models, which create value through brokering connections between suppliers and users of a service, and profiting from the network effects of sustained interactions between these parties, rather than producing content themselves (Parker, Van Alstyne, and Sangeet 2016; Srnicek 2017).

The ACCC Inquiry process has also been a reminder that state agencies can themselves be active in the policy process, and are not condemned to being mere ciphers for the dominant political or economic interests. The concept of state agencies as “potentially autonomous actors” (Skocpol 2008) has been very much borne out in the Australian case with the role played by the ACCC Chair, Rod Sims, in becoming a high-profile advocate for his own inquiry. Australian statutory agencies such as the ACCC, the Productivity Commission and the Australian Law Reform Commission, have well established procedures for stakeholder engagement and multi-level policy deliberations which ensure that their recommendations have credibility and their role has politically bipartisan recognition (Flew and Lim 2019). But the ACCC under Sims took this a step further, with the Chair preparing op-eds for news media, appearing at major conferences, and having the agency respond on Twitter to perceived mischaracterizations of its recommendations by interested parties such as Google (Knott 2019; Sims 2019). At the very least, this kind of regulatory activism ensured that the Inquiry did not disappear from the Australian policy agenda in 2020, as responding to COVID-19 quickly overtook other policy goals. More substantively, it points to a new era of transnational cooperation among regulatory authorities as they face common questions around the power of digital platforms and perceived social harms arising from such pervasive public reach and control over content distribution.

An interesting point of contrast in this regard is the comparative lack of engagement of civil society organizations with the Inquiry, particular in its early stages. The majority of submissions to the ACCC Issues Paper were from interested parties, such as digital platform companies, media companies, media industry standards bodies, and unions and professional associations representing media workers. There is considerably more engagement by policy and advocacy groups, research centers, think tanks, and academics with the Preliminary Report published in July 2018, but for the most part, they addressed issues that

were not at the core of the Inquiry, such as privacy and copyright. This may reflect a degree of skepticism and “consultation fatigue” among such groups (Flew and Lim 2019), but it is also indicative of the extent to which civil society and NGO engagement with Internet policy remains primarily framed around issues relating to the “open Internet” and online freedom of expression. While the discourse of advocacy groups has evolved over time, and there is recognition of the dangers of market concentration in digital industries, concerns about the reach of the state remain high on the agenda of such groups. It is not apparent, at least in the Australian case, that such groups have engaged more systematically with the agenda around redressing competition imbalances and “breaking up Big Tech” that has become increasingly influential in the United States (Teachout 2020; Warren 2019; Zuboff 2019). The ACCC Inquiry may thus prove to be a watershed in promoting greater engagement among stakeholders outside of the technology and media industries with the political economy of digital capitalism and its impacts upon the media and entertainment industries.

Notes

1. The terms of reference for the ACCC Digital Platforms Inquiry, which were announced in December 2017 were that it would examine:
 1. the extent to which platform service providers are exercising market power in commercial arrangements with the creators of journalistic content and advertisers
 2. the impact of platform service providers on the level of choice and quality of news and journalistic content to consumers
 3. the impact of platform service providers on media and advertising markets
 4. the impact of longer-term trends, including innovation and technological change, on competition in media and advertising markets, and the impact of information asymmetry between platform service providers, advertisers and consumers and the effect on competition in media and advertising markets (ACCC 2018, 2).

For an overview of the political origins of the Inquiry, see Flew and Wilding (2021).

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