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Australia's News Media Bargaining Code and the global turn towards platform regulation

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Abstract

Governments across the world are struggling to address the market dominance of technology companies through increased regulation. The Australian Federal government found itself leading the world in platform regulation when, in 2021, it enacted the Australian News Media and Digital Platforms Mandatory Bargaining Code. The furore surrounding the introduction of the legislation, and Facebook's subsequent Australian 'news ban' exposed the limits of a regulatory model that has previously left the tech industry to moderate itself. In this paper, we argue the introduction of the Code is a leading example of a global trajectory towards regulatory change, which sees governments move from a reactive regulation model to specific interventions around the governance of digital media spaces. We discuss how best to measure the successes and failures around this more interventionist model through a case study of the implementation of the Code in Australia. More broadly we consider how global platforms have responded, and whether the reform is an effective regulatory model for other national governments to emulate.

KEYWORDS

digital platforms, Facebook, Google, media law, media policy, platform governance, platform regulation, regulation, social media

INTRODUCTION

In late February 2020, the Australian public were the incidental casualties of a tech Goliath's wrath. Australian users trying to access news and information through their Facebook feeds suddenly found themselves in a news desert. All Australian-based news and information pages on the site had vanished from the platform—news media, charities, even the Bureau of Meteorology and a national homewares retailer had all disappeared. Facebook had finally made good on a threat to the Federal government that Australians would no longer be able to access, post and share news content if the company was subject to proposed legislation requiring tech giants to pay news media companies for content posted on its platforms. The 'world first' legislation was the Australian News Media and Digital Platforms Mandatory Bargaining Code (NMBC), which would enable eligible news organisations to bargain individually or collectively with Google and Facebook for compulsory payment for the inclusion of their news content on digital platforms and services (News Media, 2021). The furore that ensued, however, seemed less about paying for Australian news content than it was about what this new legislation might foretell about global moves towards the more active regulation of digital platforms.

The NMBC ostensibly aims to support public interest journalism in Australia by addressing power imbalances between digital platforms and news organisations in the production and distribution of news and information. The Code emerged from the Australian Competition and Consumer Commission's (ACCC) Digital Platform Inquiry, which explored the effect that large search engines and social media platforms have on competition in media and advertising, especially on news. The final report (Australian Competition and Consumer Commission [ACCC], 2019) found that the market power of digital platforms had implications for the economic sustainability of media content creators, potentially impacting the provision of news and information to consumers. The report contained several recommendations around competition law, data privacy and media regulation, but one of the first to be actioned was the ACCC's recommendation to rectify the market power imbalance between news media businesses and digital platforms. After initial prompts for affected industries to develop a voluntary code failed, in 2020 the Australian Government asked the ACCC to develop a mandatory code of conduct. The code would address these apparent power imbalances by making platforms—or more specifically Google and Facebook—pay for content. If no resolution can be reached between a digital platform and news organisation for payment, the code allows for an independent arbitration panel to determine payments. Notably this is a pendulum arbitration mechanism, whereby the two parties must submit final bids for the panel to choose between. A digital platform must participate in the code if the Treasurer 'designates' it, by specifying that the code applies to it. However, no digital platform has been designated; a very important concession that Facebook garnered largely through their instigation of the Australian news ban.

This article views the introduction of the NMBC as a salutary example of a policy 'corrective' to a regulatory model that had hitherto been left to digital media organisations to define. This led to what Zeynep Tufecki terms 'regulation by public apology' (Tufecki, 2018). We position the introduction of the Code as an example of global moves from ad hoc regulation and reliance upon global platforms to 'do the right thing', towards more interventionist approaches to regulation and governance of digital and social media, with formalised rules, policies and procedures, as well as noncompliance penalties. At the same time, there remains a strong reliance upon 'soft law' approaches and market-based behavioural incentives for digital platforms to enact change, which is likely to set limits to the degree to which the often lofty principles that inform new regulations achieve their intended goals. In the case of the NMBC, this has included establishing sustainable arrangements for

the funding of public interest journalism in the wake of the advertiser-funding model collapsing (Flew, 2021a).

We use a case study around three interconnected aspects of response to the introduction of the NMBC: platform, governmental and public response to the legislation. Using this case study we aim to evaluate: firstly, the opportunities and challenges of moving from ad hoc to formalised approaches to digital media regulation; secondly, the protection of public access to Australian news and journalism on social media; and finally, the broader governance of platforms in a nation-state context. This case study is framed conceptually by an understanding of platform governance and its role in defining the impact of digital organisations beyond technical innovation (Colyvas & Maroulis, 2015) to further articulate the social and political complexities of applying regulation in digital environments (Flew, 2021b).

BACKGROUND: MOVING FROM AD HOC TO FORMALISED REGULATION OF DIGITAL PLATFORMS

Digital platforms are defined as systems that can be built upon to enable different tools, services, forms of social and economic interaction, exchange, and communication (Cennamo, 2021). Research on the governance of digital platforms has considered several forms, with scholars variously focusing on the technology (Jovanovic et al., 2021), the content (Marsden et al., 2020), the market value (Feld, 2019) and the social impact of platforms. Regardless of the type of governance framework being considered, digital platform companies have mostly resisted forms of regulatory intervention into their technical and business structures. Instead, they have promoted self-regulation by positioning their services and general operations as innovative, yet benign infrastructure (Napoli & Caplan, 2017). According to Samples (2019), such arrangements are seen as promoting technical and economic innovation as well as providing legal safeguards for platforms, where users are granted free use of social media and modest oversight of content posted online in exchange for personal data about themselves. They suggest that if regulation blocked this commercial exchange, it would be tantamount to endangering both free speech rights and the business model of digital media companies.

As mostly US-based private, commercial actors, larger-scale social media platforms have been granted broad immunity under US law from liability for speech and content hosted on their platforms under Section 230 of the *Communications Decency Act* (MacKinnon et al., 2014). The legislation provides 'safe harbour' protections, which allows online providers to curate content on their sites without acquiring the legal status of publishers (Gillespie, 2018). There are two benefits of 'safe harbour' for platforms; the first is the protection from liability for anything users post online. This legally defines platforms as benign intermediaries that simply provide access to content, not as publishers of content. Social media platforms, therefore, attempt to operate as largely imperceptible infrastructures, seemingly acting on individual users' and community will in circulating news information, without interfering in the intent or impact of the circulation itself (Plantin et al., 2016). In terms of content moderation, this legal definition allows companies to choose how much responsibility they take for content, and to intervene on their own terms when they do take responsibility for moderating content. It has also had the consequence, in the United States, of the Federal Communications Commission (FCC) largely excluding itself from policies related to the Internet and maintaining a strict regulatory focus on broadcasting and telecommunications (Pickard, 2021). As a result, under the Biden Administration, it has been the Federal Trade Commission that has taken the lead on addressing the power of digital platforms.

There is no doubt that governmental intervention into the workings of tech companies is disruptive. This is because digital media platforms working as intermediaries for the storage and delivery of their users' content prioritise technical and business models of dominance—that is, ensuring their service is the only way to be found, to do business, to share and even to exist online (Gerlitz & Helmond, 2013). Thus, as researchers such as Bucher (2021) have suggested, tech companies like Facebook do not aim for popularity, which is fleeting, but for market dominance like that of utility companies; life simply does not happen without them. Nonetheless, fostering this market dominance has more recently meant more questions about whether tech companies are merely benign infrastructure or content publishers with responsibilities towards users, in particular to protect data privacy and intellectual property (Fuchs, 2011), to stem misinformation (Annany, 2018), and to ensure that public interest in news and information is prioritised (Paulussen et al., 2016).

The tech industry's response to these growing demands has often been to position their services as empowerment of public interest ideals and therefore suggest poor outcomes are not a regulatory issue, but a technological one, solved by more and better technical control. So far, however, these technical controls have not been fully articulated, nor is there transparency about how technical operations influence user behaviour, preference some information sources or use personal data to cultivate market dominance (Andreou et al., 2018). Thus, platforms have been able to act to protect their market value, while their discursive positioning has been able to 'strike a regulatory sweet spot between legislative protections that benefit them and obligations that do not' (Gillespie, 2010). It appears, however, that there have now been enough global scandals, such as the Cambridge Analytica data privacy scandal, that the stability of this discursive positioning has been ruptured (Napoli & Caplan, 2017). While some platforms have made operational changes due to public outcry, such as the facilitation of the Facebook Oversight Board, and increased experimentation with issuing content warnings and removing users, much of this study has been inconsistent, piecemeal and reactive. Further research has shown that these public mea culpas have been paired with much more aggressive actions to control access and oversight to their operations, including reducing the ability of researchers to access data about Facebook (Bruns, 2019; Mac & Frenkel, 2021). The fallout from these public scandals has led to increasing calls from governments around the world to actively regulate these commercial entities.

Ananny and Gillespie (2016) suggest that thus far, governments have found it difficult to legally dismantle the technical dominance of social media platforms due to the 'socio-technical investments people make *through* them: profiles and identities that have been tended to for years; networks and relationships that exist nowhere else and would be nearly impossible to recreate; media and metadata embedded within particular platforms and difficult to extract'. However, increasing government regulatory oversight of social media platforms has been on the policy radar in many jurisdictions, and in liberal democracies as well as authoritarian states (Flew, 2016). Some countries have taken a regulatory approach defining platforms' responsibility for content, such as Germany's content moderation laws imposing heavy financial penalties for failure to remove hate speech (Heldt, 2019). However, as Flew et al. (2019) suggest, regionally based regulation of content is difficult for digital platforms whose operations are global. Further, the regulatory tools provided by nation-state governments are often based on policy governing traditional media formats, which negate the complex networked infrastructure that give social media platforms their market and social power (Flew et al., 2019). Thus, recent governmental action has focussed instead on commercial practices, such as the European Commission's formal antitrust investigation about whether Facebook's use of social media data unfairly bolsters its position in classified advertisements (Antitrust, 2021). Similarly, the Australian government's regulatory approach has treated Google and Facebook as possessing excessive market power

in the digital advertising market, and thus possessing a dominant position in terms of trade with news publishers, thus worsening the sustainability challenges facing news published in the migration to digital, with concomitant reductions in public interest journalism (ACCC, 2019).

A commercial approach to regulation presupposes the idea of both a market and a public interest in the availability of news and information on social media platforms, a broadcast-era legal framework that allows governments to enforce certain requirements in exchange for rights to produce or offer media content (MacCarthy, 2021). In this context, the NMBC was both innovative and disruptive in its use of competition laws to force platforms to pay for news content (Neilson and Balasingham, 2022, forthcoming). However, it also presents challenges for national regulators dealing with enormous global companies that have the wherewithal to simply disengage from a region if it is no longer in their commercial interest to continue providing all platform services. For example, while Facebook has largely adhered to Germany's strict content moderation laws, Google News was shut down in Spain due to market-based laws requiring payment for news content. Market-based regulation, therefore, provides as many challenges as it does opportunities, depending largely on whether laws define platforms as publishers, and whether they challenge the commercial interests of platforms on a global scale.

THE DIGITAL PLATFORM RESPONSE

Facebook and Google rejected the proposition that governments had a role in shaping the terms of engagement between news media as content publishers and platforms, instead positing that their primary obligation is to platform users as both content consumers and creators. Both Google and Facebook's public response was to note dangers posed to individual Australian users if the legislation was enacted, suggesting it would 'break' not only their business models but also search engine capabilities and online interactivity. There was also a strong awareness that legislation passed in a relatively small market such as Australia may nonetheless engender policy transfer to other, larger jurisdictions, notably the European Union, India and Canada.

Google's reaction to the draft legislation was swift, initially focusing on a public scare campaign. The platform threatened to remove the Google Search function from Australia, arguing that Google would simply not be able to function under the proposed legislation. This approach was spearheaded by the Managing Director of Google Australia, Melanie Silva, who appeared in videos to argue that the legislation would break Google's business model and 'force' the company to walk away from $4 billion in revenue (Videntin & Samios, 2021). Google also created pop-ups that would appear in the Search function 'warning' Australian users about the effects of the legislation. Google also tried to win sympathy by employing local comedian Greta Lee Jackson to tell Google's side of the story (Leaver, 2021). The campaign even prompted Microsoft to weigh in, promising Australians that if Google disappeared, their search engine, Bing, would be there to fill the void (Smyth, 2021). When this scare campaign appeared to get a somewhat ambivalent public response, it appeared Google accepted the legislation as a fait accompli and quietly began initiating deals with media organisations. This is perhaps partly because Google is more invested in news content: not simply for the advertising value or even user data, but because news content often helps to make Search results more reliable, timely and relevant. Google was also in the process of launching a news-focussed product that required managing relationships with Australian media organisations. Google News Showcase pays participating news organisations to give users access to some paywalled news content (Connery, 2021). Google is currently engaging with the NMBC and the launch of the tool in February 2021 with

14 media organisations would suggest that current (and any future) negotiations will incorporate the Showcase—and perhaps result in a fixed price model for news content. Google's bigger success appears to be simply 'reading the room' earlier than Facebook. As Facebook pursued their news ban, Google started signing deals with Australian news publishers and won the praise of the Australian Federal Treasurer who claimed Google's deals were 'a historic moment' which would support journalism in Australia 'for years to come' (Samios & Visentin, 2021).

Facebook, on the other hand, took a very public approach to fighting the proposed legislation. In mid-2020, when the NMBC draft was released, Facebook shared a blog post suggesting they may not be able to provide their services if the legislation was introduced (Easton, 2020), but this post got little attention. Seven months later while the legislation was still being debated in Parliament, Facebook suddenly blocked all news and information content from being accessed in Australia. When Facebook initiated the news ban, they did not just ban straight news content; Australian users were effectively blocked from all sources of information, including health and community services, emergency information and charity organisations. Responding to the inevitable consumer outrage, Facebook made the point that the legislation was flawed in that they couldn't separate a news and information provider from a news organisation. An initial press release from Facebook stated: 'As the law does not provide a clear guidance on the definition of news content, we have taken a broad definition in order to respect the law as drafted' (Moon, 2021). In other words, Facebook's actions were the result of taking public umbrage at being legally positioned as a de facto news publisher, rather than as a neutral intermediary between content creators and users. Indeed, Facebook initially briefed international media on the news ban, rather than Australian journalists, suggesting the company's real fear was the precedent the law would set internationally (Meade, 2020). Therefore, this 'hardball approach' was designed not only to stop Australian legislation that seemed like a fait accompli, but also as a stunt to show other jurisdictions what might happen if any further encroachment on either the legal definition of a publisher or changes to self-regulation occurred.

Notably, one element of the draft NMBC that both Google and Facebook fiercely contested was the requirement that any company designated by the NMBC must provide algorithmic transparency and alert news producers and publishers 28 days before any changes to platform algorithms. This would impact the ordering and visibility of news stories and news organisations on their platforms. In their published responses to the draft NMBC legislation, both companies argued this made their core intellectual property public and would be so devastating to their business models that they could not operate in a jurisdiction that allowed it. While the notion of algorithmic transparency was largely lost in the public debates around the NMBC, it was the most unique element of the draft legislation. While the big platforms didn't stop the implementation of the code, they did force the government to make some important concessions at a critical moment in the legislative process.

THE AUSTRALIAN GOVERNMENT'S RESPONSE

The Australian government publicly positioned the Code as a remedy to lack of regulation of tech companies, in line with what Prime Minister Scott Morrison suggested was 'the concerns that an increasing number of countries are expressing about the behaviour of BigTech [sic] companies who think they are bigger than governments and that the rules should not apply to them' (Meade, 2021). However, this response has also served to highlight the inadequacy of governmental action on digital platforms, who, as suggested previously, had largely been left to regulate themselves. The sense of 'reining in' digital platforms have been part of a global discourse concerning the inability of nation-state governments to take

meaningful regulatory action against global companies. Through the 1990s and 2000s, consensus prevailed that governance arrangements for global tech companies were best addressed through multilateral *fora*, and the role for nation-states should be one of largely facilitating e-commerce, broadband development, and other endeavours to promote the digital economy. But the 2010s saw this consensus fray, as various scandals and 'public shocks' led to demands within nation-states to address content issues arising more directly from digital platforms, and concerns grew that such platforms were undermining the long-established business models of traditional media without themselves investing sufficiently in new online content (Cairncross, 2019). This regulatory approach has been much more concerned with asserting the right of nation-states to regulate platforms in the same way they would other media industries, such as publishers. Similarly, governments around the world are beginning to argue that even global companies must realise the national objectives of media policy.

It has also been suggested that the Australian Federal government's sudden interest in public interest journalism was the result of a public and private global campaign spearheaded by News Corporation (Carson, 2021). Public statements by News Corp Chief Executive Robert Thomson about the commercial imbalance between platforms and traditional media organisations may have influenced the Code's focus on competition. Indeed, as Flew et al. (2019) suggest, the Digital Platforms Inquiry preceding the NMBC draft legislation was dominated by submissions from competing media organisations, media industry associations and digital platform companies. Regardless of the impetus for the legislation, this apparent competition between the legacy news industry and social media platforms also played into both media industry and governmental discourse. Much of the Australian government's public discourse about the legislation has suggested the need for more aggressive action to 'break up' the dominance of bigger platforms, a discourse also seen in other national jurisdictions such as the United States and Canada (Broadcasting and Telecommunications Legislative Review Panel, 2020; US House of Representatives, 2020).

However, the Federal government was not able to make the best use of this regulatory momentum and made several concessions to the digital behemoths. For example, when the legislation was first proposed, the Federal Treasurer stated that Google's Search product and the Facebook News Feed would be designated under the code (Cheik-Hussein, 2021). As a result, the companies would be subject to the forced bargaining processes as well as the additional minimum standards. However, as the legislation entered Parliament and was referred to a Senate Committee, the public responses from the platforms intensified. The public embarrassment of the news ban led to a week of frantic teleconferences between the Federal Government and Mark Zuckerberg (Kelly, 2021). It seems the desire to hasten the financial deals with news organisations, without the continuation of potentially lengthy public publicity stunts like the news ban ultimately saw the government make critical concessions. While the Federal Treasurer would retain discretion over whether platforms would be 'designated' under the code, neither Facebook nor Google would initially be 'designated'. In exchange for this, Facebook and Google would need to agree to commercial deals with an unstated number of Australian media organisations.

Nonetheless, the outcome for Australia has given other jurisdictions confidence about their ability to secure platform revenues to fund journalism. The European Union has been struggling to achieve this for some time. Member states Spain and Germany (Justus, 2014) introduced laws in the mid-2010s to force Google to pay for news but as noted earlier, Google simply withdrew Google News from Spain (Gingras, 2014). German publishers did not take up an option to block Google from using their content because they were worried about losing audience traffic generated by Google News (Wolde & Auchard, 2014). These failures inspired the introduction of a publisher's right at the European level, which 'built on' these earlier attempts (Lindsay, 2022, forthcoming). While the NMBC was framed through a

competition lens, this right was aligned with a copyright framework. New ancillary rights were specifically granted to press publishers who would then, in theory, be able to request payment for if a digital platform did not just reproduce a hyperlink but featured some of the article online (often called a 'snippet') (Lindsay, 2022, forthcoming). The right came into force in June 2019 and all Member States are expected to have implemented the reform by June 2021. However, as Frugal (2021, p. 2) explains, 'the majority of the Member States still have a long way to go before the press publishers' right becomes national law'.

One reason for this delay could be because the right has met with limited success. At the beginning, digital platforms largely ignored it and most 'licensed their content for free, fearing the consequences of a boycott of news content by the platforms' (Lindsay, 2022, forthcoming). This changed when France—the first Member State to implement the right—tried to make use of it. Google originally refused to pay French publishers instead choosing to not show snippets of French news on Google (Kayali, 2019). In response, a consortium of French publishers complained to the French Competition Authority (the *Autorité de la concurrence*) who eventually found for the publishers and forced Google to negotiate with them. Google eventually agreed to pay $US76 million to 121 publishers (Rosemain, 2021). While this sounds like a good news story, the amount of money handed over by Google pales in significance to the sort of amounts Australian news publishers are receiving from digital platforms. It has become clear to regulators and governments across the world that this outcome is largely thanks to the pendulum arbitration mechanism, which forces digital platforms to negotiate.

As a result, jurisdictions across the world are considering employing the Australian approach. Frugal (2021, p. 7) notes that calls for Australian-style negotiations are 'getting louder' in Europe. Evidence of this is seen in emerging policy discourses coming from Denmark. They are seeking to go beyond European law and adopt an Australian approach (Barsoe, 2021). Canada has also signalled that it will be pursuing news payments as a priority policy issue and are similarly inspired by Australia (Ljunggren, 2021). However, perhaps the most notable development comes from the United States, a country famous for free enterprise and the home of Silicon Valley. There is currently a Bill before the US Congress called the *Journalism Competition and Preservation Act* (2019), which aims to allow publishers 'to collectively negotiate with dominant online platforms regarding the terms on which content may be distributed'. While the bill does not feature arbitration, it does provide an exception to existing antitrust law, allowing publishers to negotiate with platforms collectively and share information about the progress of negotiations (Cox, 2021). This focus on how competition and market power intersects with journalism shares similar philosophical underpinnings to the Australian approach.

This points to a growing international consensus around funding journalism through platform payments and an increasing appetite amongst governments, policymakers and regulators to introduce mechanisms that can secure this outcome. Thus, the Australian government was following an increasingly global change in attitude with respect to the regulation of platforms.

International dissatisfaction with the results of digital platform companies' focus on self-regulation, especially the lack of accountability and transparency about issues such as privacy, content moderation and political influence has been growing (Flew, 2016). This approach is also increasingly supported by a concerned public, despite their interest not always being the focus of either platform or even of governmental action.

The NMBC and analogous reform agendas in other countries stand as just one example of a broader international push towards a more aggressive role for nation-states in Internet regulation and platform governance. However many of the decisions that face governments are complex. While the public appetite for measures to protect competition and consumers is high, the interconnections between globalised and converged digital infrastructure and its

social and political impacts can result in a scant difference between limiting speech and protecting it. National frameworks for regulation could increase fragmentation of online experience across territories, limiting the political and social benefits of cross-national online communication. The imposition of different online rules for different jurisdictions could also carry serious repercussions to opportunities for free and open communication that is in the public interest. At the same time, while both regulatory complexity and the nature of globalisation have long been presented as reasons not to regulate digital platforms—along with speech rights—there is a new 'regulatory field' emerging (Schlesinger, 2020) where the discontent among citizens within nation-states about seemingly unaccountable global digital platforms is intersecting with a greater preparedness on the part of regulators to propose coordinated responses to the challenges arising from the new challenges presented by what Balkin (2018) has termed the 'free speech triangle'. Governments are increasingly unlikely to accept digital platforms sitting as a third power centre in mediating and directing public communications, alongside the state and the citizenry, without accountability for decisions, or the legal safeguards, surrounding decisions to restrict or censor speech that have historically applied to the exercise of such powers in liberal democracies (Langvardt, 2019).

THE PUBLIC RESPONSE TO THE CODE

Arguments for and against increasing regulation of digital platforms invoke the needs of the individual—digital platforms suggest regulation stifles people's right to free speech, and governments suggest regulation helps protect the people's right to privacy and freedom from abuse. Rarely in these debates have the voices of individuals ever been heard. While public response to the NMBC was initially somewhat ambivalent, it seems that Facebook's reliance on consumer loyalty to pressure the government was misread, and a subsequent public relations failure for the platform. Facebook's claim about the apparent irrelevance of third-party news content on their feed allowed for a spotlight to be placed on the importance of news and information for social media—a direction that the platform was not expecting the public discourse to take. While this discussion was fuelled by arguably self-interested legacy media organisations and journalists, Facebook action to ban user access to news effectively positioned platforms as the 'bad guys'. This public conversation further centralised the need for policy activity that stemmed news media dependence on platforms, both financially and for audience share (Bechmann, 2020).

In the context of the public interest, government claims for the NMBC's regulatory intervention were based on supporting public access to quality news content. While many have suggested the need to regulate access to news and information, others such as Helberger (2020) have suggested diversity requirements on algorithmic distinction of content, or direct funding of news organisations to produce public interest journalism (Pickard, 2020). However, the platform response to the financial support of public interest journalism was to suggest that legacy media organisations have benefited substantially more from digital platforms and media convergence. After enacting the Australian news ban, Facebook claimed the change wouldn't impact them because the business gain from news was negligible. In a press release, Facebook claimed: 'News makes up less than 4 percent of the content people see in their News Feed' (Easton, 2020). This suggested that Facebook does not materially benefit from posting news, but news organisations benefit from referrals and engagement with content. It also implied that the news ban would only impact a small number of dedicated news audiences, which is a key audience for news organisations, but not for Facebook. However, in making this argument, Facebook made a public relations mistake. They cast themselves as the victims while taking away individual opportunities to access news—and this inadvertently put the value of news onto the public agenda.

Traditionally, managing public indignation through crisis communication can involve minimising an incident to dissipate shock value, or reframing a situation to suggest responsibility for the crisis lay elsewhere. While platforms like Facebook have often used public apologies by CEO Mark Zuckerberg when scandals have occurred, they have been much more aggressive in their resistance to government regulation. One of the ways platforms have resisted regulation has been by perpetuating the myth that their businesses exist for the public interest functioning as neutral infrastructure (Napoli & Caplan, 2017). However, in the wake of the Cambridge Analytica scandal where Facebook user data was used to micro-target voters and influence elections, far more media and academic discourse started to position data rights as inherently valuable—and giving them to Facebook to use a 'free' platform started to look like less and less like a benevolent deal (Vaidhyanathan, 2018). In Australia, the act of banning news once again threw off Facebook's 'civic cloak', to reveal that business models based on user content and data do not guarantee that decisions would be made in the public interest. The Facebook news ban forced a public reckoning of the value of news and information—and who should wield authority over its distribution.

As noted earlier, the Facebook news ban of February 2021 looked callous and ignorant. Rather than eliciting user sympathy, Facebook received the opposite. This occurred in the same week Facebook had committed to fighting misinformation on their platform, causing Barnet (2021) to note that the news ban made their 'public commitment to fighting misinformation look farcical'. Social media analytics showed that total interactions with Australian news posts dropped to virtually zero and that lack of visibility on Facebook also affected click-through rates to associated news websites (Purtill, 2021). Australians were largely unimpressed by Facebook's heavy-handed tactics turned to Twitter and talkback radio to express their dismay (Purtill, 2021). They also increasingly went straight to news sources. For example, the Australian Broadcasting Corporation's news app topped the Apple App store charts during the first few days of the ban, possibly because ABC advertised in the days leading up to the ban to send users to its app (Campbell, 2020).

One of the more strident public responses to the NMBC came from Australian news media companies themselves: in one of the most highly concentrated and competitive media markets in the world (Submission: News media Bargaining Code, 2021), companies worked together to support for the code. Larger companies like Nine, News Corp, and Seven West—rivals for both audience share and advertisers—all submitted supportive responses to the ACCC concept paper and exposure draft, along with the Australian public broadcaster ABC and several independent outlets like Guardian Australia. When the code was finalised and recommendations were sent to the Treasurer, they engaged in what can only be described as a lobbying process; executives from these media companies met with each other and with academics, spoke personally to the treasurer (Samios & Crowe, 2021), and participated in cross-party platform briefings for politicians and interested parties. The media also gave the topic 'currency' for Australian audiences simply by reporting on it frequently while the code was being researched and drafted by the ACCC. Outlets usually directly competing for audience share—for example, the Nine-owned mastheads SMH & Age, and mastheads like Daily Telegraph, Guardian, and Herald Sun—all published commentaries explaining why the code was important for Australian journalism, along with expert analysis, opinion, and criticism, and kept public interest alive on the topic. This was important for an Australian public not generally known for their abiding interest in the wording of ACCC documents or draft legislation. The combined force of Australia's largest media companies supporting both the regulator and the government's position undoubtedly had an impact on the government's confidence in its policy (and on public perception of the code). When the code was eventually interrogated by the Senate Standing Committee in parliament in March (Rigby, 2021), supportive statements were presented by these same companies, along with independent outlets.

CONCLUSION: EVALUATING THE SUCCESS OF THE CODE

The NMBC can be seen to have been successful in that it has secured a record number of multi-million-dollar payments from Google and Facebook to the larger news media organisations that have been the beneficiaries. For example, Murdoch-owned News Corp said it had reached a multi-year agreement with Facebook and Google that covered its major Australian mastheads, including The Australian, Daily Telegraph and Herald Sun, as well as regional publications. The deals have been very large, with Nine, a national broadcaster and publisher of the Sydney Morning Herald and The Age, reportedly reaching a deal worth more than $AUD30 million (Ward, 2021). The Code did face criticism from smaller media organisations who suggested they would be left behind because of their lack of bargaining power—and that investment in independent media should be the focus of the Code's protection of journalism in the public interest. Subsequent to the legislation being enacted, some media companies have reported that they have struggled to negotiate with Facebook and Google without the backing of a designated bargaining code (Country Press, 2021).

While amounts are impressive, there has not yet been an indication that this funding will be used to directly fund journalism. The NMBC does not legally ensure that any funding obtained is directed towards public-interest journalism, which is at odds with the government's publicly stated intention. Interestingly it was only the public media organisation the ABC, that said the Facebook and Google deals would enable the company to make new and significant investments in regional services. Thus, it is unclear as to whether the Code will succeed in its aim to support public interest journalism, as there are no provisions in the legislation for media organisations to publicly declare how and where the funding would be spent. Thus, as Carson (2021) suggests: 'The key question for Australians is whether the code will result in more journalists being hired to undertake reporting that strengthens democratic accountability'.

Instead, the multi-year payments may fuel a different form of dependency on platforms by news organisations failing to find a sustainable business model for news. Given the lack of investment in smaller, independent journalism and the lack of transparency about how media organisations would invest the funding, it is yet to be seen how the NMBC contributes to maintaining a sustainable business model for public interest journalism, other than continued payments from platforms. Perhaps then, the most radical element of the NMBC was not the payments, but the requirement for algorithmic transparency by forcing Google and Facebook to alert news publishers in advance of any changes in the ways news would be displayed, which has to date been entirely lost with no platforms being designated. As Meese (2021) suggests, it would be far more difficult for platforms to argue against the social and commercial harms linked to dominance over algorithmic distribution, compared with arguments about whether companies should be regulated like a traditional publisher of news. Like many elements of the NMBC, with no platforms initially designated, the legislation is less about its wording and more about its cumulative weight as a weapon to force payments from the world's biggest technology companies. How well the nuances of the legislation work will only be tested if the political will changes, and a company is designated and thus subject to the full complexity of the NMBC. That said, just the threat of it saw many deals struck that would likely have either not existed, or not been of the size and scale they are today.

The introduction of the NMBC and the subsequent Facebook 'news ban' put a national frame on what has become a global issue—governance of online spaces. The Australian government's actions foretold the increasing governmental—and public—support for more interventionist approaches to platform regulation, both in terms of their market dominance and their role in publishing and distributing content. Australia's facilitation of the NMBC has been presented as the tip of a wave of worldwide government action towards stronger rules

on digital platform content and market dominance. However, there are many complexities in applying traditional media policy and regulation to digital platforms, especially when the performance of these companies goes beyond traditional media publishing and distribution (Flew et al., 2019; Meese, 2021). There is a debate about regulatory parity, or the question of whether digital platforms accrue unfair competitive advantages arising from differential regulation of similar content. For example, political advertising on print and broadcast media in Australia is subject to far more extensive regulations than political advertising on YouTube or Facebook. Observers of similar debates in the United Kingdom, such as Philip Schlesinger (2021), have suggested that an age of 'neo-regulation' is emerging in response to this tension, where both new and existing agencies jockey for positioning as the most appropriate regulators of digital platforms at a time when calls to 'do something' about their power co-exist with considerable uncertainty about the suitability of existing laws, policies and regulatory agencies for such new tasks. In Australia, the ACCC has effectively taken responsibility for the competition policy dimensions of digital media from the Australian Communications and Media Authority (ACMA), while the Office of the eSafety Commissioner—which has been described as 'the most important regulator you have never heard of' (Fei et al., 2021)—has taken the lead on working with the Federal Government on a new *Online Safety Act*.

Using an evaluation of the legislation's successes and regulatory gaps, this paper has shown the impacts of these changes not just on the commercial and social positioning of platforms, but also the broader governance of platforms in a nation-state context, and the protection of public access to news and information. Further research will be needed to better track and evaluate whether the NMBC has provided more opportunities for funding public interest journalism, just as whether the next aspects of Australia's Digital Platform Inquiry result in better management of Facebook and Google's market dominance. This study must necessarily be performed in the global context of renewed interest in digital platform regulation, especially comparative analysis with Canada, the European Union's efforts to pursue a commercial focus on governing digital platforms. In addition, attention must also be paid to 'neo-regulation', a new policy trajectory that is increasingly redefining how governments, private actors and the general public engage with media content and communication technologies.

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References

Ananny, M. (2018). The partnership press: Lessons for platform–publisher collaborations as Facebook and news outlets team to fight misinformation. *Tow Center for Digital Journalism*. https://doi.org/10.7916/D85B1JG9

Ananny, M., & Gillespie, T. (2016). Public platforms: Beyond the cycle of shocks and exceptions. *IPP2016 The Platform Society*. https://blogs.oii.ox.ac.uk/ippconference/sites/ipp/files/documents/anannyGillespiepublicPlatforms-oiisubmittedSept8.pdf

Andreou, A., Venkatadri, G., Goga, O., Gummadi, K., Loiseau, P., & Mislove, A. (2018). Investigating ad transparency mechanisms in social media: A case study of Facebook's explanations. *NDSS 2018-Network and Distributed System Security Symposium* (pp. 1–15). https://doi.org/10.14722/ndss.2018.23191

Antitrust: Commission opens investigation into possible anticompetitive conduct of Facebook (2021, June 4). *European Commission*. https://ec.europa.eu/commission/presscorner/detail/en/IP_21_2848

Australian Competition and Consumer Commission. (2019). Digital Platform Inquiry: Final Report. *Commonwealth Government*. https://www.accc.gov.au/system/files/Digital%20platforms%20inquiry%20%20final%20report.pdf

Balkin, J. (2018). Free speech is a triangle. *Columbia Law Review*, *118*(7), 2011–2056.

Barnet, B. (2021). Blocking Australian news shows Facebook's pledge to fight misinformation is farcical. *The Guardian*. http://www.theguardian.com/commentisfree/2021/feb/18/blocking-australian-newsshows-facebooks-pledge-to-fight-misinformation-is-farcical

Barsoe, T. (2021, June 29). Danish media firms join forces to seek payment deal with Facebook, Google. *Reuters*. https://www.reuters.com/technology/danish-media-firms-join-forcesseek-payment-deal-with-facebook-google-2021-06-28/

Bechmann, A. (2020). Tackling disinformation and infodemics demands media policy changes. *Digital Journalism*, *8*(6), 855–863.

Broadcasting and Telecommunications Legislative Review Panel. (2020). *Canada's communications future: Time to act*. Innovation, Science and Economic Development Canada.

Bruns, A. (2019). After the 'APIcalypse': Social media platforms and their fight against critical scholarly research. *Information, Communication & Society*, *22*(11), 1544–1566.

Bucher, T. (2021). *Facebook*. John Wiley & Sons.

Cairncross, F. (2019). The Cairncross review: A sustainable future for journalism. *UK Government*. https://www.gov.uk/government/publications/the-cairncross-review-asustainable-future-forjournalism

Campbell, I. C. (2020, February 19). *The Verge*. https://www.theverge.com/2021/2/19/22291406/abc-news-app-top-charts-facebook-banaustralia

Carson, A. (2021, September). The grand bargain: Australia's news media bargaining code. *News In Asia: The Judith Neilson Institute*. https://newsinasia.jninstitute.org/

Cennamo, C. (2021). Competing in digital markets: A platform-based perspective. *Academy of Management Perspectives*, *35*(2), 265–291.

Cheik-Hussein, M. (2021, 8 December) News media bargaining code details revealed. *Ad Week*. https://www.adnews.com.au/news/news-media-bargaining-code-details-revealed

Colyvas, J. A., & Maroulis, S. (2015). Moving from an exception to a rule: Analyzing mechanisms in emergence-based institutionalization. *Organization Science*, *26*(2), 601–621. https://doi.org/10.1287/orsc.2014.094

Connery, T. (2021). What is News Showcase, Google's solution to media code laws. *MediaWeek*. https://www.mediaweek.com.au/what-is-news-showcase-googles-solution-to-mediacode-laws/

Country Press Australia members can collectively bargain with Google and Facebook. (2021, April 21). *Australian Competition and Consumer Commission*. https://www.accc.gov.au/mediarelease/country-press-australia-members-can-collectivelybargain-with-google-and-facebook

Cox, K. (2021, 13 March). US lawmakers propose Australia-style bill for media, tech negotiations. *Ars Technica*. https://arstechnica.com/tech-policy/2021/03/uslawmakerspropose-australia-style-bill-for-media-tech-negotiations/

Easton, W. (2020, 31 August). An update about changes to Facebook's services in Australia. *About Facebook*. https://about.fb.com/news/2020/08/changes-to-facebooks-services-in-australia/

Fei, M., Bradley, J., & Powell, M. (2021, 9 June). Online Safety Bill—The enhanced regime. *Gilbert + Tobin Digital Hub*. https://www.gtlaw.com.au/insights/online-safety-bill-enhanced-regime

Feld, H. (2019). The case for the Digital Platform Act: Market structure and regulation of digital platforms. *Roosevelt Institute*. https://www.publicknowledge.org/assets/uploads/documents/Case_for_the_Digital_Patform_Act_Harold_Feld_2019.pdf

Flew, T. (2016). Convergent media policy: Reflections based upon the Australian case. In S. Simpson, M. Puppis, & H. Van den Bulck (Eds.), *European media policy for the twenty first century* (pp. 219–237). Routledge.

Flew, T. (2021a). Willingness to pay: News media. *Intermedia*, *49*(3), 22–25.

Flew, T. (2021b). *Regulating platforms*. Polity Press.

Flew, T., Martin, F., & Suzor, N. (2019). Internet regulation as media policy: Rethinking the question of digital communication platform governance. *Journal of Digital Media and Policy*, *10*(1), 33–50.

Frugal, E. (2021). The EU Press publishers right: Where do member states stand? *Journal of Intellectual Property Law and Practice*, *16*(8), 887–893.

Fuchs, C. (2011). An alternative view of privacy on Facebook. *Information*, *2*(1), 140–165.

Gerlitz, C., & Helmond, A. (2013). The Like economy: Social buttons and the data-intensive web. *New Media & Society*, *15*(8), 1348–1365. https://doi.org/10.1177/1461444812472322

Gillespie, T. (2010). The politics of 'platforms'. *New Media & Society*, *12*(3), 347–364.

Gillespie, T. (2018). *Custodians of the Internet*. Yale University Press.

Gingras, R. (2014, 11 December). An update on Google News in Spain. *Google Europe Blog*. https://googlepolicyeurope.blogspot.com/2014/12/an-update-on-google-news-inspain.html

Helberger, N. (2020). The political power of platforms: How current attempts to regulate misinformation amplify opinion power. *Digital Journalism*, *8*(6), 842–854.

Heldt, A. P. (2019). Reading between the lines and the numbers: An analysis of the first NetzDG reports. *Internet Policy Review*, *8*(2), 1–18.

H.R.2054—116th Congress. (2019–2020): Journalism Competition and Preservation Act of 2019. (2019, May 15). https://www.congress.gov/bill/116th-congress/house-bill/2054

Jovanovic, M., Sjödin, D., & Parida, V. (2021). Co-evolution of platform architecture, platform services, and platform governance: Expanding the platform value of industrial digital platforms. *Technovation*, 102218. https://doi.org/10.1016/j.technovation.2020.102218

Justus, P. (2014, 1 October). News zu News bei Google. *Google Official Blog*. https://germany.googleblog.com/2014/10/news-zu-news-bei-google.html

Kayali, L. (2019, September 25). Google refuses to pay publishers in France. *Politico Europe*. https://www.politico.eu/article/licensing-agreements-with-press-publishers-francegoogle/

Kelly, P. (2021, February 26). Inside the 11th-hour deal with Google and Facebook. *The Australian*. https://www.theaustralian.com.au/inquirer/inside-the-11thhour-deal-withgoogle-and-facebook/news-story/e0a8ebe3e4738ccd5b20b365dd846d9f

Langvardt, K. (2019). A new deal for the online public sphere. *George Mason Law Review*, *26*(2), 341–398.

Leaver, T. (2021). Going dark: How Google and Facebook fought the Australian News Media and Digital Platforms Mandatory Bargaining Code. *M/C Journal*, *24*(2). https://journal.media-culture.org.au/index.php/mcjournal/article/view/2774

Lindsay, D. (2022, forthcoming). Australian and EU responses to algorithmic news distribution: A comparative analysis. In J. Meese & S. Bannerman (Eds.), *The algorithmic distribution of news: Policy responses*. Palgrave Macmillan.

Ljunggren, D. (2021, February 19). Canada vows to be next country to go after Facebook to pay for news. *Reuters*. https://www.reuters.com/article/us-australia-media-facebookcanada-idUSKBN2AI349

Mac, R., & Frenkel, S. (2021, September 21). No more apologies: Inside Facebook's push to defend its image. *The New York Times*. https://www.nytimes.com/2021/09/21/technology/zuckerberg-facebook-projectamplify.html

MacCarthy, M. (2021, March 10). Lessons for online platform regulation from Australia vs. Facebook. *Brookings*. https://www.brookings.edu/blog/techtank/2021/03/10/lessons-foronline-platform-regulation-from-australia-vs-facebook/

MacKinnon, R., Hickok, E., Bar, A., & Lim, H.-L. (2014). *Fostering freedom online: The role of internet intermediaries*. UNESCO. http://unesdoc.unesco.org/images/0023/002311/231162e.pdf

Marsden, C., Meyer, T., & Brown, I. (2020). Platform values and democratic elections: How can the law regulate digital disinformation? *Computer Law & Security Review*, *36*, 105373.

Meade, A. (2020, September 1). Facebook threatens to block Australians from sharing news in battle over landmark media law. *The Guardian*. https://www.theguardian.com/media/2020/sep/01/facebook-instagram-threatens-blockaustralians-sharing-news-landmark-accc-media-law

Meade, A. (2021, February 18). Prime minister Scott Morrison attacks Facebook for 'arrogant' move to 'unfriend Australia'. *The Guardian Australia*. https://www.theguardian.com/technology/2021/feb/18/prime-minister-scott-morrisonattacks-facebook-for-arrogant-move-to-unfriend-australia

Meese, J. (2021). Journalism policy across the Commonwealth: Partial answers to public problems. *Digital Journalism*, *9*(3), 255–275.

Moon, M. (2021, February 18). Facebook's Australian news ban took down government pages. *Engadget*. https://www.engadget.com/facebook-australia-news-ban-took-downgovernment-pages-045625746.html

Napoli, P., & Caplan, R. (2017). Why media companies insist they're not media companies, why they're wrong, and why it matters. *First Monday*, *22*(5). http://journals.uic.edu/ojs/index.php/fm/article/view/7051

Neilson, T., & Balasingham, B. (2022, forthcoming). Big Tech and news: A critical approach to digital platforms, journalism and competition law. In J. Meese & S. Bannerman (Eds.), *The algorithmic distribution of news: Policy responses*. Palgrave Macmillan.

News Media. (2021, August 6). *Australian Communications and Media Authority*, CMA. https://www.acma.gov.au/news-media-bargaining-code

Paulussen, S., Harder, R. A., & Johnson, M. (2016). Facebook and news journalism. In Franklin, B. & Eldridge II, S. (Eds.), *The Routledge companion to digital journalism studies* (pp. 427–435). Routledge.

Pickard, V. (2020). Restructuring democratic infrastructures: A policy approach to the journalism crisis. *Digital Journalism*, *8*(6), 704–719.

Pickard, V. (2021). A new social contract for platforms. In M. Moore & D. Tambini (Eds.), *Regulating Big Tech: Policy responses to digital dominance* (pp. 323-337). Oxford Unversity Press.

Plantin, J.-C., Lagoze, C., Edwards, P. N., & Sandvig, C. (2016). Infrastructure studies meet platform studies in the age of Google and Facebook. *New Media & Society*, *5*, 371. https://doi.org/10.1177/1461444816661553

Purtill, J. (2021, March 2). These graphs tell the story of Facebook's news ban—and what happened after. *ABC News*. https://www.abc.net.au/news/science/2021-0303/facebook-news-ban-australian-publisher-page-views-rebound/13206616

Rigby, B. (2021, March 15). ACCC's Rod Sims says Facebook needs time for news payment deals. *Mumbrella*. https://mumbrella.com.au/acccs-rod-sims-says-facebook-needs-time-fornews-payment-deals-673535

Rosemain, M. (2021, February 13). Exclusive: Google's $76 million deal with French publishers leaves many outlets infuriated. *Reuters*. https://www.reuters.com/article/us-googlefrance-copyright-exclusive-idUSKBN2AC27N

Samios, Z. (2021, January 21). 'There's no other law like this in Australia': Facebook hits out at digital media code. *The Age*. https://www.smh.com.au/business/companies/there-s-noother-law-like-this-in-australia-facebook-hits-out-at-digital-media-code-20210120p56vkk.html

Samios, Z., & Crowe, D. (2021, February 27). Why Facebook accepted Australia's request. *The Sydney Morning Herald*. https://www.smh.com.au/politics/federal/why-facebookaccepted-australia-s-request-20210226-p5763t.html

Samios, Z., & Visentin, L. (2021, February 17) 'Historic moment': Treasurer Josh Frydenberg hails Google's news content deals. *The Sydney Morning Herald*. https://www.smh.com.au/business/companies/historic-moment-treasurer-joshfrydenberg-hails-google-s-news-content-deals-20210217-p573eu.html

Samples, J. (2019). Why the government should not regulate content moderation of social media. *Cato Institute Policy Analysis*. https://www.cato.org/policy-analysis/whygovernment-should-not-regulate-content-moderation-social-media

Schlesinger, P. (2020). After the post-public sphere. *Media, Culture & Society*, *42*(7–8), 1545–1563.

Schlesinger, P. (2021). The neo-regulation of Internet platforms in the UK. CREATe Working Paper 2021/11. UK Copyright and Creative Economy Centre, University of Glasgow.

Smyth, J. (2021, February 9). Australian companies forced to imagine life without Google. *Financial Times*. https://www.ft.com/content/fa66e8dc-afb1-4a50-8dfa-338a599ad82d

Submission: News Media Bargaining Code. (2021, January 28). Digital Rights Watch. https://digitalrightswatch.org.au/2021/01/28/submission-news-media-bargaining-code/

Tufecki, Z. (2018, 4 June). Why Zuckerberg's 14-year apology tour hasn't fixed Facebook. *WIRED*. https://www.wired.com/story/why-zuckerberg-15-year-apology-tour-hasnt-fixed-facebook/

US House of Representatives. (2020). *Investigation of competition in digital markets: Majority staff report and recommendations*. US House of Representatives.

Vaidhyanathan, S. (2018). *Antisocial media: How Facebook disconnects us and undermines democracy*. Oxford University Press.

Videntin, L., & Samios, Z. (2021, January 22). 'It's a reality': Google threatens to stop search in Australia due to media code. *The Sydney Morning Herald*. https://www.smh.com.au/politics/federal/google-threatens-to-disable-search-inaustralia-if-media-code-becomes-law-20210122-p56w2h.html

Ward, M. (2021, June 1). Nine signs Google, Facebook deals worth millions. *Australian Financial Review*. https://www.afr.com/companies/media-and-marketing/nine-signsgooglefacebook-deals-worth-30m-20210601p57wyt#:%7E:text=Nine%20Entertainment%2C%20the%20publisher%20of,%2Da%2Dyea%20cash%20deal

Ward, M. (2021, October 31). Sims condemns Facebook's decision to not cut a deal with SBS. *Australian Financial Review*. https://www.afr.com/companies/media-and-marketing/sims-condemns-facebook-s-decision-to-not-cut-a-deal-with-sbs-20211029-p594fb

Wolde, H., & Auchard, E. (2014, November 6). Germany's top publisher bows to Google in news licensing row. *Reuters*. https://www.reuters.com/article/us-google-axel-sprngridUSKBN0IP1YT20141105

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