

AUSTRALIAN GOVERNMENT RESPONDS TO THE ACCC DIGITAL PLATFORMS INQUIRY

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Legal Briefings - By **Amalia Stone**, **Lisa Emanuel**, **Ashna Taneja** and **Anna Jaffe**

The Australian Government today released its response to the final report of the ACCC Digital Platforms Inquiry.

The response includes:

- additional funding of \$26.9 million to establish a Digital Platforms Branch within the ACCC tasked with monitoring and enforcement
- an inquiry into online advertising and ad-tech services
- the proposed development of new codes relating to disinformation and quality of news online, and in relation to bargaining between digital platforms and news media businesses and a recommitment to developing a privacy code that applies to online platforms trading in personal information.

The Government's response emphasised the need to balance issues associated with digital platforms becoming an "essential input" in today's digital economy with creating a regulatory environment that promotes innovation and business growth. It announced immediate action on some ACCC recommendations, and consultation on others.

Immediate action includes \$26.9 million over the next 4 years to establish a Digital Platforms Branch within the ACCC tasked with monitoring and enforcement. The Branch will also:

- inquire into supply of online advertising and ad-tech services, and consider potential issues around the lack of transparency, bundling and self preferencing in that market (with a preliminary reporting date of 2020, and a final reporting date of 2021)
- facilitate negotiations between digital platforms and news media organisations on a voluntary code (which will be binding on those who sign up) regarding the dissemination of news content. If no code is finalised by November 2020, the Government will consider developing a mandatory code.

Over 2020, the Government will:

- consult on the ACCC's proposals to expand the factors considered when reviewing merger proposals (to, for instance, include consideration of the impact of pooling of data lakes, and other significant assets)
- work to develop a uniform classification scheme across all media platforms and a platform neutral regulatory framework for online and offline delivery of content, including how Australian content rules should work (the Government will follow the ACCC's recommendation and implement a staged reform of the media regulatory framework over 2020, in consultation with affected stakeholders)
- ask digital platforms to work with ACMA to develop voluntary codes in relation to implementing measures to address disinformation and news quality
- review copyright law reforms implemented in 2018, although the Government will not be implementing a mandatory take down code.

The proposed changes to competition, consumer, privacy and media regulation are significant, and will affect businesses operating in both digital and non-digital markets. Our team is analysing the Government's response and we will release our insights next week.

KEY CONTACTS

If you have any questions, or would like to know how this might affect your business, phone, or email these key contacts.



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