

Treasury
Langton Crescent
PARKES ACT 2600



Via e-mail: morecompetition@treasury.gov.au

24 August 2022

Dear Sir/Madam

Treasury Laws Amendment (Competition and Consumer Reforms No. 1) Bill 2022 – Exposure Draft

Thank you for the opportunity to comment on the Exposure Draft of Treasury Laws Amendment (Competition and Consumer Reforms No. 1) Bill 2022 (the Bill).

SBS wishes to provide comment on those parts of the Bill which will amend Part IVBA of the *Competition and Consumer Act 2010* (CCA), which sets out the News Media and Digital Platforms Mandatory Bargaining Code (the Code).

SBS supports the Code, which has created the framework for digital platforms to engage in good faith with a range of media businesses. Whilst SBS is engaging separately with the ongoing Review of the Code (conducted by the Treasury) regarding certain improvements which could be made to the Code and possible use of the designation provisions (in particular to incentivise Meta to enter into a commercial agreement with SBS), we are supportive of measures intended to strengthen its operation.

To this end, we note that the Bill will increase the penalties (and hence the deterrence effect) in relation to sections s 52ZC, s 52ZH and s 52ZZE of the CCA, which relate to supply without differentiation, participation in arbitration in good faith, and complying with a determination made under the Code.

Whilst the designation and arbitration provisions of the Code are yet to be utilised, effective deterrence is an important part of the Code's ability to continue to meet its underlying objectives. To the extent that the Bill will enhance the Code's effectiveness, SBS supports the proposed changes to penalty provisions as put forward in the Bill.

Thank you again for the opportunity to comment on the Bill. If you have any questions or require further information, please contact Clare O'Neil, SBS Director of Corporate Affairs (clare.oneil@sbs.com.au).

Yours sincerely,

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