



10 January 2021

Dear Senators of the Senate Standing Committee on Economics,

I am writing with regard to the inquiry into the Treasury Laws Amendment (News Media and Digital Platforms Mandatory Bargaining Code) Bill 2020.

My name is Vint Cerf. I am one of the original co-designers of the TCP/IP protocols and the architecture of the Internet, and to this day I try to contribute to global Internet policy development and the continued expansion of the Internet. I currently serve as vice president and Chief Internet Evangelist for Google, though I write here not on behalf of the company but rather in my capacity as a computer scientist and individual who cares deeply about the Internet's contributions to society.

When I helped to create what became the Internet in the 1970s, there was no guarantee that it would evolve into a tool that would be so powerful and beneficial for the world, but I was strongly persuaded by its potential. It was formally activated in 1983 after 10 years and four design iterations and it will undoubtedly evolve further. But what has not changed is its open nature, allowing people to communicate, find and access information worldwide, without undue hindrance. This is possibly one of the most liberating and most positive transformative forms of progress from which humanity has benefitted.

In particular, the Internet and the open architecture it is founded upon have contributed to more diversity and diffusion of information and opinions than ever before possible with previous information media. It thus goes a long way to realising the age-old aspiration for public interest news to nurture a healthy, diverse democratic discourse and the sharing of knowledge across all of society.

As you may be aware from my previous public statements, and having now reviewed the form under which this legislation has been introduced to Australia's Parliament, I am concerned that this Bill in its current form would undermine the basic framework upon which the Internet was built, and on which the modern economy thrives.

One of the key arguments behind the Code is the idea that Google should pay for news content that 'is made available' through Search results. But that is not how search engines work, or should work, nor how people use them.

When you search online, no matter what you're looking for, you get links and in most cases one or two lines of text from the web pages discovered (called 'snippets'). In the case of a news article, you only get the chance to read the full piece after clicking through to the publisher's website. Links are the cornerstones of open access to information online; requiring a search engine (or anyone else) to pay for them undermines one of the fundamental principles of the Internet as we know it today.

As it is currently framed, both the premise of the Code and the approach it sets out are deeply flawed. Internet companies do not owe news publishers compensation for the emergence of an Internet-based economy, especially when some of the news publishers have themselves diversified into the digital classified businesses that have cannibalised their own earlier advertising revenue. Undermining the foundations of a democratic Internet is not a sustainable solution to one industry's economic challenges.

None of this is to deny that the news industry has a vital role to play in supporting democratic discourse and the spread of knowledge. It does, and that role should be supported appropriately — as Google is seeking to do through commercial partnerships, and as the Internet more widely has done so far by providing a powerful open platform for global diffusion and access to information.

Nor is this an argument about the merits of regulating technology at all. Around the world, as the Internet expands and evolves for the better in areas like health and education, it also poses new challenges. Governments are understandably seeking to design sensible rules that can keep pace — and, where needed, keep people from harm.

The draft News Media Bargaining Code is not this kind of regulation. On the contrary, in key problematic areas it is an intervention that would distort access to information and disadvantage Australians who rely on Google to have their voices heard and run their businesses. It would introduce bias into systems that were designed to be fair, and undercut a democratic Internet where people compete not on their political influence, but on the value of their content and merit of their opinions.

The Internet and the world wide web have lowered the barriers to broadcast communication to nearly zero. In the past, you had to have a broadcast licence and a lot of money to run a television station, a radio station, a newspaper or a magazine-publishing operation that would reach a large audience. Today, you only need a smartphone and an account on a social medium.

That doesn't come without its challenges, and we must strive to ensure a responsible use of the Internet. Yet, we must be mindful to winnow wheat from chaff: we must not make the mistake of altering the fundamental and flexible ways in which the Internet works in order to fix the long-term structural problems that a particular industry was starting to face already years before the Internet and the world wide web appeared.

The risk with the way the Code is proposed currently in Australia is that it would fundamentally undermine this openness of the Internet and the economic model that stems from it, forcing information to be consumed in a particular manner, favouring a narrow range of sources for the diffusion of content and knowledge, and thus also undermining democratic discourse and media diversity. In so doing, it would effectively inhibit discovery of information of interest to Australians by limiting what they can discover through search.

Senators of the Committee, I urge you to consider this Bill and its impact on the citizens of Australia carefully, to propose amendments that would remove any requirement to pay for links in search and keep the Internet open. In its current state it represents a fundamental challenge to the free and open Internet, to the functioning of the country's digital economy, and to Australia's economic future.

Sincerely yours,

Vint Cerf
VP and Chief Internet Evangelist
Google, LLC

Vinton G. Cerf is widely known as one of the "Fathers of the Internet," as the co-designer of the TCP/IP protocols and the architecture of the Internet. He is a recipient of numerous awards and commendations in connection with his work on the Internet, including the US Presidential Medal of Freedom, US National Medal of Technology, the Queen Elizabeth Prize for Engineering, the Japan Prize, the Charles Stark Draper award, the ACM Turing Award, Officer of the Legion d'Honneur and 29 honorary degrees.