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Broadcaster video-on-demand in Australia: Platforms, policy and local content

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Abstract
Over the last decade Australia's free-to-air commercial networks Seven, Nine and Ten have undergone a protracted digital transformation with the development of their online, ad-supported broadcaster video-on-demand (BVOD) platforms 7Plus, 9Now, and 10Play. The present article considers some of the questions these commercial BVODs raise for television policy in Australia, with specific reference to local content regulation. Through content audits of 7Plus, 9Now and 10Play, we assess the localism of the BVODs' catalogues in terms of the availability and discoverability of Australian titles. We find that these BVOD services – which are not presently regulated for local content – are less local in their programming than the networks' free-to-air linear channels, but are more local than competing subscription video-on-demand services such as Netflix and Prime Video. We also reflect on how the networks position themselves in the newly expanded Australian television market, and how they reconcile their historical status as protected national broadcast institutions with their newer status as 'just another app' in the streaming ecosystem.

Keywords
broadcast regulation, cultural policy, broadcaster video-on-demand, local content, 7Plus, 9Now, 10Play

Introduction

Initially devised as catch-up services for linear television, Australia's broadcaster video-on-demand (BVOD) platforms are now complex media hybrids that both complement and compete with their own networks' broadcast channels, as well as with other advertising-based video-on-demand (AVOD) services, such as YouTube, and subscription video-on-demand (SVOD) apps, such as Netflix and Disney+. In Australia, BVODs have been operating for more than a decade, beginning with the launch of ABC iView in 2008, and followed by Seven's Plus7 (now 7Plus) and Nine's FIXPlay (now 9Now) in 2010, SBS On Demand in 2011, and Ten's 10Play in 2013.

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As Australian audiences migrated online, BVODs have become integral to the brand identity and accessibility of the free-to-air (FTA) networks, such that these services are now increasingly 'synonymous with rather than just supplementary to their native channel(s)' (Scarlata, 2022: 88).

The content offered by Australian BVODs, which is increasingly diverse, includes both live streams of linear channels and on-demand catch-up programming (titles recently screened on the broadcast channels), as well as exclusive-to-BVOD content such as original local web series and other new and archival content that does not appear on the networks' linear channels. Some BVODs have even begun experimenting with linear Free Ad-Supported TV (FAST) streaming channels, such as 7Plus' 24-hour *Blue Heelers* and *Bondi Vet* channels. As these strategies suggest, while Australian BVODs began life as catch-up services they are now partially 'decoupling' from their broadcast roots and developing their own programming character. This begs the question of how, and whether, these partly autonomous BVODs should be regulated for local content, and what local content expectations should apply to them.

Our focus in this article is on the three commercial BVODs operated by the licensed free-to-air commercial broadcasters – 7Plus, 9Now and 10Play. We do not consider the publicly funded BVODs, ABC iView and SBS On Demand, as the regulatory context around Australia's public-service broadcasters makes them distinct from the commercial network BVODs studied here. From a policy perspective, 7Plus, 9Now and 10Play represent useful objects of analysis because they fall outside the existing system of local content regulation, which applies only to linear FTA channels and multi-channels. As Table 1 shows, existing local content rules built into the *Broadcasting Services Act 1992* (Australian Government, 2022c) require primary FTA channels to transmit a minimum of 55% local content broadcast between the hours of 6am and midnight, and FTA multi-channels to transmit a minimum of 1460 hours of local content per year between 6am and midnight. However, streaming services run by the broadcasters (BVODs and SVODs) presently escape these licence obligations, and can therefore operate more freely in their programming.[1] BVODs thus operate within a regulatory state of exception that grants them considerably more flexibility in programming than applies to the networks' broadcast services.

From a local content policy perspective, a key consideration is the degree to which BVODs have in fact decoupled from their parent companies' broadcast services, and what this means in terms of their local content performance. The present article uses a combination of industry, policy and empirical content analysis to explore this issue. We ask the following questions: (1) How local is the on-demand programming on Australia's commercial BVODs? and (2) How do legacy affordances and policy settings for broadcasters shape the programming character of these BVODs? To answer these questions, we present an empirical catalogue analysis of the 7Plus, 9Now and 10Play

Table 1. Australian commercial broadcast television ecology, March 2023.

	Primary service	Multi-channels	BVOD	SVOD
Local content requirements	*Minimum 55% of broadcast schedule, 6am-midnight*	*Minimum 1460 hours/year, 6am-midnight*	*None*	*None*
Seven West Media	Seven	7Bravo, 7Flix, 7Mate, 7Two	7Plus	N/A
Nine Entertainment	Nine	9Gem, 9Go!, 9Life, 9Rush	9Now	Stan
Paramount AU/NZ	Ten	10Bold, 10Peach, 10Shake	10Play	Paramount + AU

BVOD: broadcaster video-on-demand; SVOD: subscription video-on-demand.

on-demand libraries, analysing the availability and discoverability of local content on these services, supported by trade and policy analysis. This approach, grounded in a media industry studies tradition, seeks to 'understand the characteristics of the different services and the kinds of content they make available to viewers' (Lobato and Scarlata, 2019: 4), and to explore the implications of these findings for local content policy in Australia.

The article proceeds as follows. First, we further define the category of BVOD in historical and institutional terms and provide additional industrial context for understanding BVODs in Australia. Second, we explain how policy frameworks for BVOD in Australia have evolved over the past two decades. Third, we outline our catalogue analysis methods and present our findings about local content availability and discoverability on 7Plus, 9Now and 10Play. Finally, we consider the implications of these findings for policy debates about BVODs and local content.

Locating the BVODs

BVODs are a type of AVOD service, in the sense that they are free to the user and rely on an advertising-based business model. However, BVODs – unlike AVODs such as YouTube and Tubi – have a specific institutional character in that they are operated by broadcast licensees in national markets. These legacy broadcasters come from a position of historical market dominance, as national champions protected by spectrum allocation. However, they have often struggled to sustain this position of dominance in a fragmented, transnational streaming market.

For broadcasters, streaming presents both opportunities and challenges (Closs and Franceschini, 2009). Opportunities include the ability to reach cord-cutter audiences that no longer watch broadcast, to collect new and valuable forms of viewing data, and to charge premium rates for targeted, personalised advertising. Challenges include the expensive and complex technical infrastructure necessary for such services, erosion of the linear broadcast audience and its already diminishing ad-revenue stream, and the lack of a guaranteed position of prominence historically guaranteed by the channel line-up or EPG design (García Leiva, 2021). In this sense, BVODs represent a risky 'space in which the logics of broadcasting meet the possibilities of programming, software and algorithms' (Johnson, 2017: 123), where the dynamic new markets of streaming media collide with broadcast-era 'power structures and institutional relationships that have been persistent for decades' (Evens and Donders, 2018: 3).

As of June 2022, around a quarter of the Australian adult population used one or more BVODs on a weekly basis (10Play 20%, 7Plus 28%, 9Now 29%) (ACMA, 2023). BVOD revenues are increasing rapidly, with a reported advertising revenue growth of 53.3% in the 12 months to 30 June 2022, as compared to the 8.7% advertising revenue growth for metro free-to-air over the same period (Ward, 2022). The Australian BVOD market has been described as the 'growth engine for the networks' with an anticipated compound annual growth rate of 33% to 2025 (PwC, 2022). However, the commercial broadcasters must delicately manage the commercial opportunities of BVODs without cannibalising broadcast advertising revenues. As Johnson (2019: 57) observes, legacy broadcasters worldwide face a challenge in terms of how they manage 'the impact of their online TV service on their existing television business and [how they] protect extant business models and revenue streams'.

BVODs, while offering many familiar shows from their parent broadcast channels, are quite distinct from these linear services when it comes to advertising infrastructure and audience measurement. BVOD ads take a variety of forms, including unskippable video ads before and during programming (typically every 5 or 10 minutes depending on the length of the episode, in 'pods' of 2 to 5 ads), home-screen and pause-screen ads. On 7Plus, 9Now and 10Play, users must log in to watch content – a design feature that enables ads to be targeted algorithmically to individual users based on their data profiles and prior viewing. The growth of BVOD ad-tech has occurred alongside the progressive integration of BVODs into Australia's television audience measurement system. As of 2023, BVOD viewing has been included in OzTAM's Virtual Australia (VOZ) ratings, which integrate broadcast and connected-TV viewing within a single database.

Existing research on commercial BVODs, including catch-up TV services and other broadcaster-owned online TV platforms, has already identified several notable findings. These include an evident dependence of BVODs upon the linear programme and schedule due to its higher profitability, and hence a symbiotic relationship between BVOD and increased linear consumption (Abreu et al., 2017), and the bundling of platform interests into local alliances, depending on a channel's ownership and resulting corporate strategy (Telkmann, 2021). The international literature on public-service BVODs has also considered issues unique to this category of services, including the challenge of transposing public service broadcaster (PSB) values online (D'Arma et al., 2021; Kelly and Sørensen, 2021; Martin, 2016; Michalis, 2022). However, little attention has been paid to the commercial BVODs' programming and policy settings from the perspective of local content. This issue is growing more pressing in Australia, where BVODs 'increasingly represent and deliver "television"' (Scarlata, 2022: 88), but remain largely outside the local content policy framework.

Policy context: The Alston determination, BVODs and local content

As noted above, BVODs are closely linked to – in fact, operate as extensions of – the broadcast industry, but have never been regulated in the same way as commercial television channels. Following a determination made by then-Communications Minister Richard Alston in 2000, BVODs are defined by government as online services, and as such are excluded from the legislated definition of a broadcasting service. In effect, this means that BVODs are exempt from the local content quota rules that apply to broadcasters.[2]

Initially intended as a temporary carve-out to ensure nascent streaming services could be developed outside of official broadcast regulation, the 'Alston Determination' has in effect created an operational loophole that allows the broadcasters considerable flexibility in developing their BVODs. The determination has been renewed at regular intervals, most recently in September 2022, when the Albanese government extended the BVOD's regulatory reprieve until 2027.[3]

Given this policy context – as well as the well-known antipathy of the commercial broadcasters to local content obligations, and the cost advantage of US imports over original local production – the proportion of local content in BVOD catalogues is a matter of policy significance. Notably, Australia's screen production sector has questioned why fast-growing BVODs should be exempt from the rules that apply to their parent organisations, and have called for a 'platform-neutral' approach to local content regulation that would encompass all major services regardless of distribution technology (Screen Producers Australia, 2020).[4] This nascent discussion about the local content performance of unregulated BVODs takes place alongside a related debate about local content on SVOD services – an issue that has received significant attention from successive federal governments (Australian Government, 2017, 2020a, 2022a; Lobato et al., 2023). In 2023, the Albanese government signalled its intention to impose a local content obligation on SVOD services, promising in its National Cultural Policy to 'take the necessary action so that Australians continue to be able to see and hear quality home-grown content, regardless of which platform they are using' (Australian Government, 2023: 87) – however, the nature and extent of this obligation is yet to be determined at the time of writing.

In summary, the policy settings around BVODs require continued scrutiny. While current industry practice among the BVODs is to programme what appears to be a substantial amount of local content, due to the regulatory requirements on their broadcast channels to commission and schedule such content, there is in fact no official requirement for them to do so – and their local content performance has never, to date, been measured. Our research therefore set out to answer the question: how much local content are the BVODs currently programming, in the absence of any official regulation?

Catalogue analysis method

To answer this question, we analysed the on-demand catalogues of 7Plus, 9Now and 10Play. Our method involved measuring the availability of local content within each catalogue, adapting a method originally developed by the European Audiovisual Observatory (Fontaine and Grece, 2016), and which we have previously used to study SVODs in Australia (Lobato and Scarlata, 2017, 2018, 2019). We manually inspected all titles available for viewing in each BVOD, noting the nationality of each title (Australian or foreign), recording this data in a spreadsheet. Where necessary, nationality of titles was checked against IMDb. Australian adaptations of transnational formats, such as *MasterChef* or *Survivor*, were counted as local titles.

Using this catalogue analysis method, we were able to determine the availability of local content on each service, expressed as a percentage of the overall catalogue. Previous research on SVODs found that Netflix Australia and Stan carried 1–4% and 5–9%, respectively (BCARR, 2022; Lobato and Scarlata, 2017, 2018, 2019). Given this context, we felt it important to establish how BVOD local content availability compares in relation to SVODs. We also wanted to understand how local content performance of BVOD catalogues compares to the broadcast channels, which, as noted above, are legislatively required to offer a minimum 55% local content on their primary channels during prime-time hours (and which are also live-streamed on the BVODs).[5] Would BVOD on-demand catalogues carry as much local content as their regulated broadcast channels? If not, why not?

Following an initial pilot in April 2022, we collected catalogue data in July 2022 and then again in August 2022, to assess consistency of catalogues over time. Results proved to be broadly consistent across the two collection dates, suggesting a more or less stable programming logic within each service. The data below are averages of the local content recorded during the July to August data collection. Importantly, the unit of measurement for our study was local content *titles* (individual shows/ movies) rather than other possible metrics such as programme hours or episodes.[6]

Auditing the Australian BVODs was not without its challenges. 7Plus, 9Now and 10Play vary in terms of how they classify shows versus episodes, which complicated the audit process and required careful manual coding.[7] The case of 10Play was particularly complex, because it includes in its catalogue a high number of non-playable titles (dead links) and short promotional videos.[8] We also experienced challenges when counting sports and news titles, which often comprise short clips or different local versions of the same show. To control for this variability, we decided to count only full-length, unique, playable shows in our audit, excluding content such as clips, highlights, live channels, trailers, news articles, behind-the-scenes content, and episode descriptions.[9] This enabled a direct and meaningful comparison of the most policy-relevant on-demand titles – full-length Australian TV shows, movies, and documentaries – available on each BVOD.

Local content availability on BVODs

We now turn to the findings of our catalogue analysis. As shown in Table 2, the catalogue size of the Australian commercial BVODs ranges widely, with 10Play having the smallest catalogue (384 titles),

Table 2. Australian BVOD catalogue sizes and local content, July to August 2022 (average).

BVOD	Total catalogue size	Number of Australian titles	Percentage of Australian titles
7Plus	1197	247	20%
9Now	457	140	31%
10Play	384	133	35%

Note: Catalogue data was captured twice, in July and August 2022, to control for programming variations. Figures above are averages of the July and August data.
BVOD: broadcaster video-on-demand.

9Now the next largest (457 titles) and 7Plus by far the largest (1197 titles). When compared to SVODs like Netflix Australia and Prime Video (with 6600 and 9600 titles respectively, according to JustWatch [2023]), BVODs clearly have much smaller catalogues; however it is worth noting that BVOD catalogues have grown significantly from the early days of catch-up TV, when Screen Australia (2012: 4) reported a weekly average of 43 titles on Plus7 and 23 titles on NineMSN Video over the 4 weeks from 13 February 2012. While varying in size, these BVOD catalogues were found to have a broadly similar mix of content, offering mostly TV shows – as is to be expected from broadcaster-owner services – and a smaller number of movies.[10] We also found that BVOD catalogues are overwhelmingly, if not entirely, English-language, with the United States remaining the dominant content supplier to the BVODs, in line with historical norms for Australian commercial television, followed by the United Kingdom. A handful of Canadian and New Zealand titles are also available.

Let us now consider more specifically the question of local (Australian) content on BVODs. As shown in Table 2, our analysis found that local titles make up *between a fifth to a third of the BVOD catalogs* (20–35% local content). This means that the BVODs are substantially *more local* in character than Australia's leading SVOD services – including Netflix, Stan and Disney+, which all offer <10% local content (Lobato and Scarlata, 2017, 2018, 2019; BCARR, 2022) – while also being substantially *less* local than the free-to-air broadcast channels which are regulated for local content under the *Broadcasting Services Act*. Importantly, this percentage figure should not be viewed in isolation and must be considered alongside the overall catalogue size to get a full picture of a service's local character. This is important because different services may appear to be more 'local' than others depending on whether title counts or overall percentages are used to describe local content performance.

For example, as a proportion of the overall catalogue, 10Play had the highest percentage of local content (35%). Yet this is based on a small overall catalogue size of 384 (playable) titles, which means that 10Play also had the *lowest* absolute number of Australian titles (133). In other words, 10Play offers relatively few Australian titles, but these titles comprise a larger share of the catalogue than in other services. In comparison, 9Now's slightly larger catalogue of 457 titles is made up of 31% local content, with 140 Australian titles in the catalogue. 7Plus has the largest number of local titles (247), and the largest overall catalogue size (1197), but also the lowest proportion of local content (20%) among the three BVODs.

As this analysis reveals, neither number of titles nor catalogue percentage alone determine the local character of a BVOD; it is the interaction of the two metrics that is important. From a content diversity perspective, higher numbers of titles are desirable because they enable increased variety and choice for the viewer; however, the percentage of titles is also important because it affects the discoverability of Australian titles (i.e. the likelihood that local titles will be consistently visible in recommendations). We return to this point below.

What else can be gleaned from these findings? It is clear that there is a relationship between regulation and local content performance, especially when we take into account the wider environment in which BVODs operate. As noted above, the commercial BVODs carry a smaller percentage of local content (20–35% of titles) than the broadcast services, which allocated 68–77% of the relevant broadcast schedule time on metropolitan channels to local content in the last reporting period (ACMA, 2022) – even more than the 55% minimum required by law. Yet, as we have also observed, BVODs offer significantly *more* local content than SVODs. From this we can conclude that local content performance increases according to regulation, with heavily regulated broadcast services providing the highest levels of local content, the unregulated broadcaster-owned BVODs offering moderate levels of local content, and the unregulated and foreign-owned SVODs offering low levels of local content.

There are several other contextual factors that shape local content performance and which must be noted here. The first is catalogue capacity. The nature of a BVOD catalogue is that it is infinite – there are no capacity constraints. In comparison, broadcast time is limited to 168 hours per week. Given this, and absent a dramatic increase in local content production, it makes sense that larger BVOD catalogues will be filled mostly by imported (mostly US) content. Commercial broadcasters in Australia have a long history of licensing content via large output deals with US studios that effectively bundle popular flagship US network shows with less desirable titles. In the past, finite broadcast schedule time and Australian content obligations have hindered the ability of Seven, Nine, and Ten to place these second-tier US shows in their schedule. Consequently, rights to many of these shows have often not been exploited by the local broadcasters. BVODs are a convenient outlet for these second-tier US network shows – such as NBCUniversal's drama *Resident Alien* and comedy *Duncanville* on 9Now – which may represent a kind of 'exclusive content', even if they are often more niche in appeal than the tentpole hits sought by the networks for their broadcast schedule (Lyall, 2019). Hence, the higher level of imported content on BVODs compared to broadcast is both a function of catalogue size and longstanding licensing arrangements between US studios and Australian networks.

Ownership of rights also plays a part in determining local content availability. While it is often assumed that broadcasters own rights to their hit local shows, in Australia these rights often reside with the producer and may have already been sold to other online services. In other words, Seven, Nine and Ten cannot include all of the shows that they have broadcast over the years on their BVODs because they do not own the streaming rights to many of these shows, or may only have rights to a few episodes rather than the whole back catalogue (e.g. 10Play offers just two episodes from the middle of the second season of Ten's Australian drama, *My Life is Murder*). This naturally constrains the amount of local content that can be easily licensed by the BVODs.

A final consideration is the synergies between BVODs and SVODs owned by the same parent company. Both 9Now and 10Play operate as part of a commercial alliance, bundled within the offerings of their parent media groups Nine Entertainment and Paramount AU/NZ (Table 1). Nine content can be found on Stan; Ten content can be found on Paramount+. This means that some content initially produced for free-to-air commercial broadcasters is now being put behind an SVOD paywall (Stan or Paramount+) in order to drive subscriptions, and thus revenue, for the SVOD service. 7Plus is unique among Australian broadcasters in that it does not have its own SVOD (although Seven was formerly a partner in the failed local SVOD Presto and has previously been in partnership talks with Foxtel). However, the other two networks, Nine and Paramount AU/NZ, must carefully consider cross-service synergy when developing their commissioning and distribution strategies.

An example of BVOD–SVOD synergy is Network Ten's share-house comedy-drama series *Five Bedrooms*. After the first season screened on Ten and 10Play, *Five Bedrooms* was moved to

Paramount + and rebranded as a Paramount + Original. The original first season and the ensuing second and third seasons were then made exclusively available on Paramount+. After several months, the first season was then returned to 10Play, with audiences encouraged to subscribe to Paramount + to continue watching the 'original' later seasons. As this example shows, Paramount AU/NZ's distribution strategy for *Five Bedrooms* involved using 10Play as 'part of a flywheel' (TVREV, 2022: 13) to retain viewers within the larger Paramount AU/NZ ecology of services.

In summary, our catalogue analysis has shown that in terms of local content availability BVODs are performing at a level to be expected of unregulated, locally owned services, with local content comprising between a fifth and a third of each service. This is shaped by a number of factors including the unconstrained capacity of BVOD catalogues, the reliance on US imports to fill these catalogues, licensing and rights issues, and corporate synergies between SVOD and BVOD interests. However, from a policy perspective the issue of local content performance must also take into account the discoverability of local content, as we explore in the following section.

Local content discoverability on BVOD services

Discoverability refers to the 'likelihood of discovery' of particular content within a digital interface, and how this is shaped by 'industry dynamics, strategies, negotiations and curation' (Mazzoli and Tambini, 2020: 12). In the old broadcast environment, discoverability and availability were inseparable because inclusion in the TV schedule guaranteed a high level of visibility for audiences. However, in today's streaming environment, discoverability relies on a range of factors including recommendation algorithms, interface design, categorisation and title metadata. Hence, discoverability of local content – even when local content is abundant within the catalogue – is not guaranteed. It is therefore not enough for local content to be available (but buried) online: 'for such content to be enjoyed by viewers it also needs to be discoverable' (Lobato and Scarlata, 2019: 4). Accordingly, we included in our empirical study a specific technique for measuring discoverability of local content, again adapting prior work by the European Audiovisual Observatory (Fontaine and Grece, 2021), and also drawing on the work of Kelly (2021).

To assess discoverability in BVODs, we first captured the contents of the easily viewable area, or 'prime real estate', of each BVOD interface. We defined this as the first 10 titles within the first 10 recommendation rows (i.e. a total of 100 promotional slots).[11] All titles appearing within this area of the screen were recorded, in the order they appeared. This list was then analysed by country of origin to determine the proportion of Australian titles promoted in the easily viewable area. We then developed heatmaps like those employed by Kelly (2021) to illustrate the overall visibility of these titles. We also analysed the design and structure of each BVOD interface, taking screenshots and comparing their organisational logics.

Our analysis controlled for cross-device and cross-user variation. The audit was conducted on a desktop PC but was double-checked against smart TV and mobile BVOD apps to ensure accuracy. We found that the organisation of rows and titles was the same across these devices. Likewise, we found that the commercial BVODs – unlike SVODs – have a consistent appearance for all users and do not employ the same algorithmic personalisation techniques used by Netflix and some other video platforms. At the time of data collection personalisation on the BVODs was limited to Continue Watching rows, geo-localisation (to determine local news feeds), and a Recommended for You row on 7Plus. This relatively standardised design enabled a robust comparison of discoverability across BVODs.[12]

Our analysis revealed that local content is heavily promoted on all BVOD services, relative to the overall proportion of Australian titles in the catalogue. While – as noted earlier – the proportion of local content in BVOD catalogues is significantly lower than in the linear broadcast schedule, we found that local content is nonetheless highly visible on BVODs and appears as an integral and desirable part of the service's overall offering. On average over the July to August data collection, local content occupied 34% of promotional slots on 7Plus, 47% of promotional slots on 9Now and 46% of promotional slots on 10Play (compared to 20%, 31% and 35% of each catalogue, respectively). From a local content policy perspective, this represents strong visibility that would compare favourably to most other Australian media outlets. In practice, the user will see in the BVOD interface an abundance of Australian stars, flagship local titles, and recognisably Australian franchises.

This finding – the strong discoverability of local content on BVODs, despite more modest availability as a proportion of the overall catalogue – tells a slightly different story about the localism of BVODs. It suggests that despite an absence of any official regulation, the broadcasters still see their local content titles as worthy of promotion on the BVODs and are committed to marketing such content as part of their overall consumer proposition, on an almost equal footing with US content (at least in terms of overall promotion slots).

There was some variation between services when it comes to discoverability. 7Plus has the lowest performance, with 34% of slots devoted to local content promotion; however, as noted earlier, 7Plus also has the largest catalogue (1197) and the highest number of local titles (247), so this is to be expected given its catalogue size. 7Plus also offers a suite of FAST channels such as *Blue Heelers* and *Better Homes and Gardens*, featuring mostly Australian content; while not included in our audit for reasons noted earlier, these FAST channels nonetheless contribute to the local character of the 7Plus home screen. This shows how discoverability cannot be analytically divorced from catalogue composition. Smaller catalogues with a higher percentage of local titles are more likely to produce a more 'Australian-looking' home screen than larger catalogues with a lower proportion of Australian titles. This is evident in the case of 10Play, which – despite having only 133 Australian titles in its catalogue – projects a more local character, due to the higher number of promotional slots devoted to local content. This can be seen plainly in Figures 1 and 2, which show our heatmaps of local content visibility on 7Plus and 10Play in July 2022.

As Figures 1 and 2 show, the visibility of local content varies according to genre. Across all BVODs, the most 'Australian' rows are consistently sports and news, which feature little or no international content. This is unsurprising given the historical and continued reliance of the free-to-air broadcasters on these core genres of sports and news, underscoring Bennett's (2013: 5) point that BVODs and other online broadcaster-owned services 'must [still] engage with the content produced by, for, and through a broadcast production culture'.

In contrast, other genres significantly under-perform when it comes to local content visibility. Witness the local content 'desert' at the top of the 7Plus home screen in our July 2022 sample (Figure 1). A similar absence of local titles was seen in the upper screen area of 9Now. This is because both services feature Premium Drama rows here, which feature mostly US-network titles like *The Good Doctor* and *Young Sheldon.* Australian content is overwhelmingly excluded from these rows. In 10Play, Australian titles are also largely excluded from the Drama and Sitcom Central rows, in favour of US titles such as *Ascension, The Office* and *Friends*.

So where is Australian drama being promoted? Interestingly, several BVODs do feature Australian-specific content rows (Homegrown Drama), however these appear anywhere from row 13 (7Plus) to row 23 (9Now), making these local dramas much harder to find than 'premium' US dramas.[13] This binary distinction between Premium and Australian content, which implies that Australian content cannot also be premium, works to reinforce the longstanding tradition in Australian commercial broadcast television of preferencing the former over the latter, where possible.

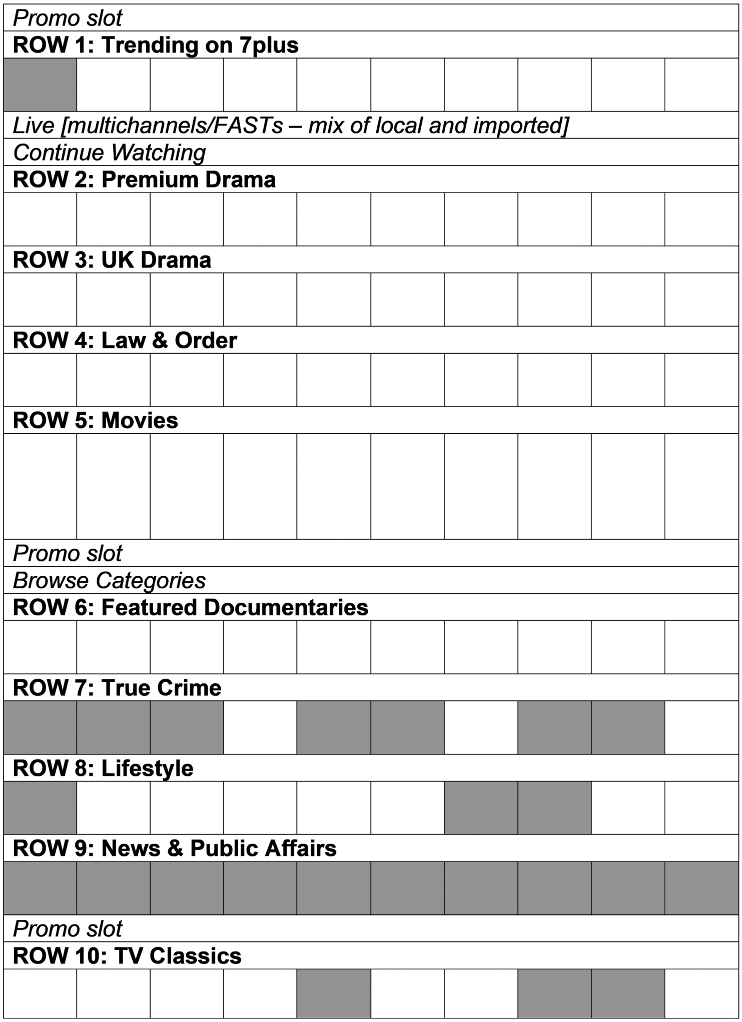

Figure 1. Local content promotion in 7Plus, July 2022 (shading indicates local content).

Another complicating factor is repetition of Australian titles in multiple rows across the interface. On 9Now, reality renovation series *The Block* was simultaneously featured in the top-of-screen promotional carousel as well as in the Trending, Renovation & Real Estate, Shows, and New Episodes This Week rows. Other shows promoted in multiple rows included *Hunted* and *MasterChef Australia* on 10Play. While serving the purpose of making these high-profile shows inescapable to the user, this strategy also effectively reduces the diversity of local content promotion.

Finally, we observed that discoverability of Australian content in BVODs is somewhat hindered by limited search functionality. As Figure 3 shows, Australian content in BVOD catalogues is not consistently tagged as such; nor can BVOD search engines consistently recognise geographic search terms. This hinders the ability of local audiences to actively search for new or unfamiliar Australian content, should they be so inclined. Users must instead browse the interface for local category rows, which – as we noted above – can be positioned well beyond the easily or most viewed areas of the services.

Figure 2. Local content promotion in 10Play, July 2022 (shading indicates local content).

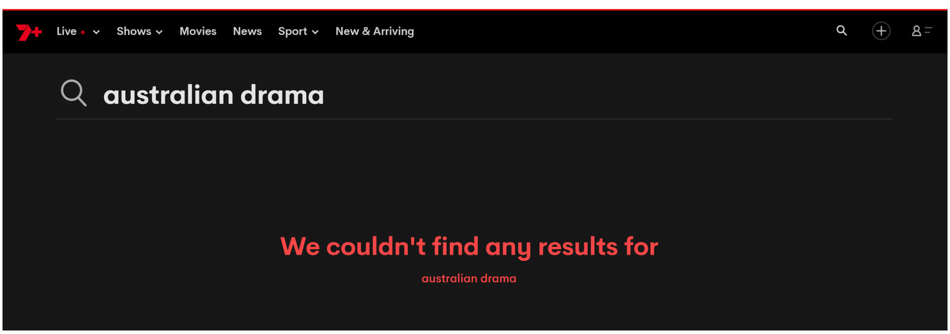

Figure 3. 7Plus search results for 'Australian drama', July and August 2022.

In summary, our audits of 7Plus, 9Now and 10Play found that Australian content is actively promoted by each BVOD, even though the percentage of Australian content in the catalogue is lower than on the relevant broadcast service. In this sense, the BVODs have a strongly 'local' character, with a similar look and feel to the broadcast networks. While this is somewhat undercut by the exclusion of Australian content from prioritised Premium Drama rows and an inability to search for content by region, the overall local content discoverability performance of the BVODs was reasonable in all cases, suggesting limited policy need for direct intervention in BVOD discoverability design at present. However, if BVOD programming uncouples further from broadcast over time, this situation might change.

Conclusion

Our analysis of 7Plus, 9Now and 10Play set out to answer two questions: how 'local' is the programming on Australia's BVODs, and how do legacy affordances and policy settings for broadcasters shape the programming character of these BVODs? On the first question, we found little evidence of BVODs underperforming when it comes to local content. Local content comprises between a fifth and a third of each BVOD catalogue – significantly lower than the broadcast schedule, but reasonable given the increased capacity of a digital service, and certainly higher than any of the SVODs. Moreover, BVODs appear to over-index on local content promotion, with about half of the prime real estate in the home screen devoted to Australian titles. While we did identify some areas of concern – most notably the emergence of a binary distinction between Premium and Australian drama that makes this content harder to find and implies that Australian content cannot also be premium – Australian content is nonetheless well represented on BVODs.

Of course, past performance is no indicator of future performance. BVODs could – and likely will – evolve in many different ways, and the policy environment will continue to shift around them. As noted above, the commercial television licensees operating in Australia were granted new flexibility in 2021 with the weakening of the local content sub-quota system. As soon as the networks were no longer required to screen a minimum number of hours of first-release Australian drama and children's programming, there were significant drops in these genres (ACMA, 2022). However, the broadcasters are still meeting their overall local content quotas. If – as our analysis above has suggested – the commercial BVODs in Australia have been engaging with the content produced by, for, and through a broadcast production culture, what are the future implications for these platforms when that broadcast culture changes?

A key issue for Australian screen policy is whether and how to translate expectations historically applied to broadcast television into the new and uncertain space of online television. In December 2022, the Albanese government announced plans for a prominence framework to ensure local TV services are easy for Australian audiences to find on connected TV devices, releasing a proposals paper (Australian Government, 2022d) and inviting stakeholder submissions. While this process is still underway at the time of writing, it is expected that some kind of must-carry or must-promote requirement will be introduced to increase the visibility of the broadcasters' content and apps on smart TVs and streaming devices. No specific local content regulations for BVODs were proposed as part of this process; however, given that BVODs will be the main beneficiary of new prominence rules, we believe that it is reasonable for government to expect BVODs to offer meaningful levels of local content in their catalogues and discoverability, so that the prominence framework serves to make local content, rather than US content, more discoverable to the user. In this respect, it will be valuable from a policy perspective to monitor whether in the years ahead the BVODs maintain the local content performance we have described in this article, or whether their performance changes as they further uncouple from the broadcasters.

The federal government has also signalled its long-term interest in modernising the Australian *Broadcasting Services Act*, which will require careful consideration of interactions between linear and BVOD services in terms of local content obligations. A further issue relates to the corporate synergies between linear, BVOD and SVOD services – in the case of Nine and Paramount – and how this will factor into the push for SVOD regulation. Will BVODs, like SVODs, be expected to invest in original local content – as per a harmonised regulatory approach – or will they be let off the hook given they are owned by broadcast services already charged with significant local content obligations? Will media providers active across multiple sectors be able to spread their local content obligations across their various services, or will specific obligations apply to each category of service?

All of these questions will need to be carefully considered in the years ahead. Whatever the outcome, it is clear that BVODs will grow to comprise a more significant part of the distribution environment for Australian television – and thus occupy a more prominent place on the policy agenda – even as the overall competitive position of their parent broadcasters may weaken over time.

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Notes

1 Similarly, BVODs do not have the same obligations as their parent services to regulate the classification and captioning of content, monitor advertising standards, or manage community complaints. While this is already having interesting political ramifications in Australia (Gottliebsen, 2022), analysis of these matters is beyond the scope of this article.

2 To comply with s121G of the *Broadcasting Services Act 1992* (Australian Government, 2022c), commercial TV licensees in Australia must broadcast at least 55% Australian content and their non-primary channels must broadcast at least 1,460 hours of Australian content in a calendar year. Under the *Broadcasting Services (Australian Content and Children's Television) Standards 2020* (Australian Government, 2020b), which commenced on 1 January 2021, commercial television licensees are also required to broadcast at least 250 points of first release Australian programs each calendar year. Changes to broadcast regulation in 2020, as part of the Australian government's COVID response, diluted previous regulations governing minimum hours of commissioned documentary, children's content and drama – just as broadcasters had long lobbied for. A broadcaster can now meet their annual quota of points with any combination of

these genres (with one qualification: a maximum of 50 points will be able to be acquitted on commissioned documentaries).

3 This occurred after a discreet 3-week ‘consultation’ process with industry (Australian Government, 2022b), wherein the federal government proposed to remake the determination in broadly the same terms. There was remarkable consensus in the 21 submissions to the consultation, which identified little alternative but to extend.

4 This position is broadly in line with earlier media policy frameworks for internet-delivered services such as Labor’s Convergence Review (Australian Government, 2012) and the recent ACCC Digital Platforms Inquiry (2019).

5 Certainly, comparing a percentage of titles in a catalogue with a percentage of hours in a schedule is not strictly comparable, but these metrics merit analysis, nonetheless.

6 An analysis of hours or episodes of Australian content offered by BVODs would have told another story, and would be an interesting avenue for future research, but was beyond the scope of this study.

7 For example, one-off comedy specials were afforded unique tiles by one BVOD, while another grouped these together within one Comedy tile.

8 Of the 677 titles in 10Play in August 2022, only 389 (57%) were actually available to watch.

9 We used the playable tiles in the A-Z show list on each BVOD as a reference point for unique titles. This approach (counting unique titles) is in line with best-practice approaches used by the European Audiovisual Observatory in their VOD catalogue analyses (Fontaine and Grece, 2016).

10 9Now had no movies at all (movies were found instead on Nine’s SVOD service Stan – see below), while 10Play had only a handful of movies. We noted some other distinctive TV formats, however, such as 10Play’s companion short-form web series that accompany flagship series from its linear channel (e.g. *Sidelines* from drama *Playing for Keeps*, or the recap talk-show *Talking Tribal* which ‘airs’ [i.e. streams] after each new episode of *Australian Survivor*).

11 We also limited our discoverability data collection to the first 10 titles in the first 10 rows of each platform to ensure consistency across the sample, as some recommendation rows and the titles within these scrolled extensively. We excluded the carousel and hero banners from our discoverability data collection because of the frequent changes in and small sample size of these slots.

12 To control for personalisation effects we removed the ‘Continue Watching’ and ‘Recommended for You’ rows from our discoverability data collection.

13 As per Figure 2, during the July data collection 10Play included a prominent First Nations row due to the NAIDOC (National Aborigines and Islanders Day Observance Committee) Week that occurs annually in July. The First Nations row has since dropped out of the 10Play prime real estate.

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