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Australian Government | acma

Australian Communications and Media Authority

Publishing compliance results

Introduction

The ACMA's processes around publication of compliance results have been in place for many years and aim to demonstrate to the Australian public how its regulatory activities are promoting access to diverse media content and services for all Australians. The publication of annual compliance results for Australian content each year is a key input into meeting this objective.

Part 8C of the *Broadcasting Services Act 1992* (BSA) has introduced a new Australian content requirement for subscription video on demand (SVOD) services. It is an expectation of the Australian Parliament that the ACMA will report on compliance outcomes.

Ahead of the first annual compliance reports from major SVOD services – covering the 2026 reporting year – being lodged by February 2027, the ACMA has considered the types of information that should be published to support transparency around the operation of Part 8C of the BSA. This approach is outlined below.

Notes:

- Where possible, the ACMA has considered and aligned its approach to publication with the types of data published under voluntary arrangements since 2020-21.
- Data relating to qualifying expenditure or number of programs will be deidentified and will only be published in aggregate.
    - Where information cannot be aggregated (e.g., there is limited expenditure by regulated SVODs in a particular genre or program type) we will engage with the relevant SVOD/s to enable that data to be published.
- The ACMA will only publish program titles of non-confidential programs (i.e., program titles we have consent to publish). When program titles are published, we will identify which service they relate to.
- The ACMA's approach to disclosing non-compliance with the scheme will be considered closer to the conclusion of the first three years of the scheme's operation.

Approach to publication

Information that shows how qualifying expenditure is being spent on eligible Australian programs

The ACMA will publish compliance results that demonstrate how major SVOD services as a group are meeting the Australian content expenditure requirement by spending money (qualifying expenditure) on eligible Australian programs.

Type of information	Details
Information about acquisitions and commissions	• Total aggregated qualifying expenditure by major SVODs in the SVOD reporting year • Total number of eligible Australian programs reported by major SVODs in the SVOD reporting year • Breakdown of expenditure and program numbers on acquisitions and commissions/co-commissions
Information about investment in eligible genres	• Aggregated qualifying expenditure figures per eligible genre (drama, children's, documentary, arts, educational) • Number of programs reported by major SVODs in each genre
Information about investment in different program types	• Aggregated qualifying expenditure figures per program type (Australian program, NZ program, Australian/NZ program, Australian official co-production) • Number of programs reported by major SVODs in each program type

General compliance information

The ACMA plans to disclose general compliance information that will assist the public to understand how Part 8C of the BSA is operating in practice.

This will be achieved by publishing the number (but not the names) of major SVOD services that have:

- elected to use the revenue method for meeting the requirement (and therefore the number of SVOD services using the default expenditure method)
- a shortfall in the next reporting year
- a carry-forward available in the next reporting year.

This approach balances the need for transparency about the operation of Part 8C of the BSA with the acknowledgement that disaggregated total program expenditure and revenue figures are commercially sensitive.

This approach also recognises that, because SVOD services can acquit their requirement across a three-year acquittal cycle, an SVOD service with a shortfall (that is not overdue) is not non-compliant with the requirement.

Transparency about the availability of Australian programs to the public

The Australian Government's intention is that introducing the Australian content requirement for SVOD services will ensure that Australians have access to Australian stories, wherever they choose to watch their screen content.

The ACMA's reporting on compliance results can help to demonstrate that this policy objective is being met by regulated entities.

We will demonstrate this by:

- disclosing the total number of eligible Australian programs that are available to the public in Australia (other than a cinema) to demonstrate how SVODs investments are contributing to the growth in eligible Australian programs available over time.

Voluntary data to support transparency about availability of Australian content

Program titles

A key way to show the Australian public that the Australian content requirement meeting the government's policy intention that Australian audiences have access to new Australian programs, is to provide a sample of new programs that are being made (or have been made) available under the requirement.

To do this, s 47C

- s 47C his is the same approach we took for voluntary reporting in previous financial years.

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