

22 April 2024

To the Digital Platforms Branch

SBS submission – general search services

The Special Broadcasting Service (**SBS**) appreciates the opportunity to respond to the Australian Competition and Consumer Commission's (ACCC) *Digital Platform Services Inquiry – September 2024 report revisiting general search services* Issues Paper (the **Issues Paper**).

This submission will outline the importance of the ease of discoverability on search services of SBS's online services, content and materials—which are high-quality, trusted, reliable, and freely available.

In line with a purpose of the Issue Paper, which is '[...] to invite written submissions from interested parties to assist the ACCC in understanding the current nature of general search services [...]', SBS will also outline its experiences in these areas, including challenges that it faces in relation to search services.

SBS will also be interested in participating in any further consultation by the ACCC, in relation to any proposed regulatory reforms relevant to general search services (**search services**), should they arise.

Search service may act as a 'gatekeeper'

SBS appreciates the important function of search services, which can act as a gateway to relevant websites and online services, content and materials for millions of Australian consumers.

Nevertheless, search services derive benefits from other online service providers, including SBS, in that search services are an intermediary between consumers and those other online service providers. This creates substantial value for the search services, which are able to attract and serve paid advertising (**ads**) to consumers.

Furthermore, when search services act as a 'gatekeeper', this can negatively impact consumers, who receive overly modified (including in relation to presentation), or limited results provided to them, and thus experience increased difficulty in trying to find what they are actually searching for.

This 'gatekeeping' role can be seen in, among other things, the search services providing results that are self-preferencing; influenced by commercial or advertising deals; and through algorithmic settings. The principal goal of these practices is to further commercial gains for search services themselves, which can impact the consumers' ability to locate and access what they are searching for.

Also relevant to gatekeeping, the prominence legislative framework, currently before Parliament, has established a precedent and principle recognised by the Government, in favour of ensuring that Australian content, including that in the public interest, is made easy to find for Australian audiences. This is in the context of the gatekeeper position of global technology giants (set manufacturers and platform providers). In recognition of the gatekeeper role these multinationals play, SBS has argued throughout the prominence framework consultation process (together with other free-to-air broadcasters) that any framework must include the prioritisation of free content in search results on connected TVs to ensure ease of access for Australian audiences.

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Search services are becoming increasingly ubiquitous and diverse

SBS's arguments in this submission are applicable to all search services, regardless of the methods or devices, through which those services are accessed by consumers.

As outlined by the Issues Paper, consumers access search services through a growing range of methods including via a browser navigation bar; manual web navigation; search applications/widgets; voice assistance; search functionality within social media platforms; and more recently chatbots, and AI-powered search engines. They also do so via an increasingly diverse array of connected devices, including connected televisions, smartphones, smart speakers, and smart appliances, among many others.

Access to SBS's online services, content or materials may be inappropriately ranked, or hindered, when searched for

Example 1 – self-preferencing potentially impacting search results

Self-preferencing can be easily observed when interacting with search services. An example is a search for the Logie-award-winning *Little J & Big Cuz* children's series, which originated on NITV, part of the SBS network. (The entire catalogue of episodes is available to watch in full, for free, and in multiple languages including First Nations languages on SBS On Demand service (sbs.com.au/ondemand)).

When SBS performed a search on Google search service¹ using keywords 'Little J & Big Cuz', the SBS On Demand result did not appear until the 13th (web) page of the search results (with ten results shown on each page), and appeared as the 121st item among all results. This lower-rank makes it difficult for audiences to easily locate trusted, free, public broadcasters' content. In comparison, on the first page of the results, six out of the ten items were those available on YouTube platform, which is wholly owned by Google itself.

It would therefore appear that SBS On Demand was not appropriately ranked in this scenario, even though the service has all *Little J & Big Cuz* episodes. There also appeared to be potential self-preferencing by Google, with YouTube results being ranked significantly higher than SBS On Demand results, to the detriment of the consumers' ability to locate and access the series' full set of episodes, which are available for free on SBS On Demand.

(A similar search, also using 'Little J & Big Cuz' keywords, was performed on Bing². On this occasion, using the 'video' tab of the search service, 39 video results were provided in total, with none of them related to SBS On Demand. Instead, the results were mostly short videos that were available on YouTube or Facebook.)

Similarly, on an LG Connected TV, a search for *Little J and Big Cuz* first preferenced episodes on the paid subscription service Netflix, followed by YouTube. The option to view it on SBS On Demand did not appear at all, even though the SBS On Demand app had been manually installed as an app on the Connected TV in question.

Example 2 – commercial deals potentially hindering organic search results

Following the announcement of Google's expanded partnership with the Reddit social media platform in February 2024³, SBS observed that its search results appeared to be potentially 'down-ranked', with Reddit results more prominent and oftentimes displayed as the top items. This was despite the fact that a number of these Reddit results were linked to older Reddit conversation threads (e.g. 4–5 years old). This has gradually improved, with older Reddit threads now appearing to be deprioritised as at end March.

¹ On 18 March 2024, via google.com (Australia) website, using a desktop version of Chrome browser on a Windows-based computer.

² On 18 March 2024, via bing.com/?cc=au website, using a desktop version of Chrome browser on a Windows-based computer.

³ <https://blog.google/inside-google/company-announcements/expanded-reddit-partnership/>



This is one example of the potential for commercial deals to have an impact on search results and ranking, to the detriment of the consumers, whose access to SBS's public interest content was made more difficult.

SBS would welcome further consideration and consultation regarding ways in which trusted, reliable, and freely provided public interest services, content and materials can be easily found through search services

Reputable, trusted sources of online content and materials for the public good, such as SBS online services, should be easily discoverable through search services.

In particular, SBS's online content and material has been funded by the Australian public, who should therefore be able to easily locate and access them without SBS having to invest substantial additional taxpayer funds to pay for increased prioritisation. SBS would welcome further consideration and consultation, including in relation to regulatory reforms, that would ensure their ease of discoverability and access.

SBS's online services, content and materials are reputable and high-quality because they have gone through rigorous editorial processes and checks before they are made available. They are also subject to many relevant laws and regulatory frameworks, and the robust and overarching SBS Code of Practice⁴ (publicly available, and registered with the regulator—the Australian Communications and Media Authority (ACMA)). SBS's content and materials are also subject to complaint mechanisms including formal complaint handling by the independent SBS Ombudsman, and a recourse of complaint to the ACMA. In a world of increasing mis- and dis- information, there is a public policy imperative in ensuring that trusted news sources remain visible and are not relegated to the bottom of search results in favour of less trusted or even potentially nefarious sources of information.

Organic search results and their presentation are being impacted by SEO or commercial deals

While recognising the well-established practice of search engine optimisation (**SEO**) by online service providers, SBS would like to note its concerns regarding the way that search results are impacted by SEO practices or commercial deals. This leads to an impact on the presentation of organic results that are relevant to what the consumers are actually searching for.

Paid ads often closely mimic organic search results, and are given priority in terms of prominence, presentation, and at times number.

Given SBS has a hybrid funding model, in which the majority of funding comes from government, it is often unable to compete with larger entities (including multinationals and vertically integrated technology service providers) which are able to spend much more in order to increase the visibility of their materials on search services.

In the case of SBS, the requirement to invest more public money to simply reach audiences and promote visibility of SBS services and content means that there are less funds available to spend on the production of public interest content in line with the SBS Charter.

Existential threats to trusted news providers – AI generative news search changes

Arguably the most concerning development is Google's move to implement 'instant search' which will provide consumers with an AI generated answer to search queries and further downplay direct links to trusted news sources.

There are two elements which are proposed for introduction – 'Featured Snippets' which are most likely to be served in response to informational search queries. These are highlighted excerpts of text at the top of the Google search page.

The other element, of greater concern, is the introduction of Search Generative Experience (SGE) which has launched in 120 countries to date (not yet in Australia, though it is anticipated this year). SGE uses generative AI to provide a summary answer to consumers, which will appear above the traditional links. The introduction of SGE gives rise to a number of significant issues for consumers

⁴ SBS Code of Practice available at <https://www.sbs.com.au/aboutus/sbs-code-of-practice/>



and in particular, consumers of news. First, an AI generated answer does not adhere to or observe basic editorial standards that news media organisations such as SBS observe – requirements such as accuracy, balance and impartiality. There is already significant commentary regarding the accuracy of SGE results in jurisdictions where it has been rolled out,⁵ which creates additional unacceptable civic risks in an environment where there are already concerns about the proliferation of mis- or disinformation.

Further, the search results do not provide any visibility of the sources used to garner the information for the answer, meaning that it is difficult for consumers to interrogate or assess the quality of the answer. (An associated issue arises as a result of the uncompensated and uncredited use of news media organisations' journalism and IP in the development of the AI generated responses).

The availability of trusted, accurate and impartial news and information for consumers using Google as their first port of call is a matter which should be given serious consideration as part of the ACCC's examination of these issues.

Next steps

SBS would welcome further consideration and consultation on these issues and ways to address these matters.

Once again, SBS appreciates the opportunity to respond to the ACCC's Issues Paper. Should you have any queries, please do not hesitate to contact Clare O'Neil, Director of Corporate Affairs, at

[Redacted contact information]

Yours sincerely

[Redacted signature]

Clare O'Neil
Director of Corporate Affairs

⁵ See, for example <https://www.washingtonpost.com/technology/2024/04/01/new-ai-google-search-sge/>