Notice of draft exemption order for
FetchTV Pty Ltd

(Application 391)

On 19 March 2021, FetchTV Pty Ltd (ACN 130 669 500) (the **Applicant**) applied to the Australian Communications and Media Authority (**the ACMA**) for an exemption order under paragraph 130ZY(1)(a) of the *Broadcasting Services Act 1992* (**BSA**) in relation to the subscription television entertainment service **Baby TV** (the Service) for the five financial years 1 July 2020 to 30 June 2025 (**the Specified Eligible Period**).

This notice sets out the draft exemption order for the Service (the Exemption Order) and invites persons to make submissions about the Exemption Order to the ACMA within 30 days after this notice is published, that is by Thursday, 3 June 2021, in accordance with subsection 130ZY(6) of the BSA.

The Applicant is a subscription television licensee. The Service is one of 64 subscription television services (channels) that are provided by the Applicant in the English language. The Service is a 24-hour channel specifically aimed at infants and toddlers.

The Service is a pass through channel. It is obtained under licence wholly from the channel provider which acquires and compiles the channel and then delivers it to the Applicant. The Applicant provides no input into the content of the channel.

The Service is offered as part of the Applicant’s ‘Knowledge’ package, ‘Ultimate’ package or the ‘Entertainment’ package (a legacy package). Subscribers are not able to subscribe solely to the Service.

**Summary of reasons – unjustifiable hardship**

The ACMA’s preliminary assessment of the application is that a refusal to make the Exemption Order would impose an unjustifiable hardship on the Applicant for the reasons explained in the Preliminary Statement of Reasons for Application 391.

To view the draft Exemption Order, please refer to the document titled ‘DRAFT Exemption Order STV-EO-391’.

All submissions received up to and including Thursday, 3 June 2021, will be considered in making the ACMA’s final decision. Submissions received after this date will not be considered.

**Publication of submissions**

In general, the ACMA publishes all submissions it receives. The ACMA prefers to receive submissions that are not claimed to be confidential. However, the ACMA accepts that a submitter may sometimes wish to provide information in confidence. In these circumstances, submitters are asked to identify the material over which confidentiality is claimed and provide a written explanation for the claim.

The ACMA will consider each confidentiality claim on a case-by-case basis. If the ACMA accepts a claim, it will not publish the confidential information unless authorised or required by law to do so.

Please note that the ACMA does not formally acknowledge the receipt of submissions.

**Effective consultation**

The ACMA is working to enhance the effectiveness of its stakeholder consultation processes, which are an important source of evidence for its regulatory development activities. To assist stakeholders in formulating submissions to its formal, written consultation processes, it has developed a guide called [Effective consultation: A guide to making a submission](http://www.acma.gov.au/~/media/Legal%20Services/Advice/pdf/ACMA%20Effective%20Consultation%20The%20ACMAs%20Guide%20to%20Making%20a%20Submission.PDF). This guide provides information about the ACMA’s formal, written, public consultation processes and practical guidance on how to make a submission.

Please forward submissions quoting Application Number 391 to:

Email: captioning@acma.gov.au

Post:

Submissions to Order Applications
Diversity, Localism and Accessibility Section
Australian Communications and Media Authority

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