



Australian Community Television Alliance

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Implementing Australia's TV prominence framework – ACTA Submission

22nd October 2024

The Australian Community Television Alliance acknowledges the First Nations peoples of Australia, whose connection to country and living cultures began in time immemorial and helped shape our understanding of this land. We recognise sovereignty has never been ceded and affirm our commitment to advancing reconciliation.

THE AUSTRALIAN COMMUNITY TELEVISION ALLIANCE

The Australian Community Television Alliance (ACTA) is a not-for-profit industry association dedicated to representing and advancing the interests of free-to-air community television (CTV) channels across Australia. Established to serve both current and prospective CTV licensees, ACTA operates under the *Broadcasting Services Act, 1992*. ACTA has played a crucial role in supporting and promoting CTV's unique contributions to Australian media and culture.

Under the proposed CTV Transformation Plan currently with the Department of Communications for consideration, ACTA's structure, governance and function is scheduled for review, with a view for a modernised sector body to emerge.

C31 MELBOURNE & C44 ADELAIDE

C31 Melbourne and Geelong (C31) is Victoria's CTV service providing locally based entertainment, education and information. Channel 44 (C44) is South Australia's community broadcaster, bringing local TV on free-to-air across Greater Adelaide.

Both stations are non-profit, purpose-driven organisations working with partners in the education, culture and screen sectors to facilitate the production of diverse local content for broadcast and streaming, assist similarly for-purpose organisations to engage communities through screen content and to provide the skills and pathways that enable emerging and aspiring local creators to produce content and gain industry experience. C31 & C44 provide access and representation to the many diverse communities within their local licence areas and beyond. Both stations feature faces, voices and issues which are often overlooked by mainstream television.

Our programs are almost exclusively original and locally produced content – an approximated 90% of C31 & C44's free-to-air television broadcasts are Australian-made. These programs are produced by an estimated **1,000 volunteers** each week, featuring around **40 multicultural and linguistically diverse producers**, with an overall focus on the needs of underrepresented and underserved communities. **It is estimated that around 1 in 12 Melburnians and 1 in 8 Adelaideans watch CTV¹**. It is an essential training ground for the Australian media: these stations have also launched countless media industry careers.

CTV PLUS

CTV+ is the digital home of CTV across Australia, with over 150 locally produced programs and 3,000 individual episodes available on-demand, along with the provision of C31 and C44's free-to-air linear broadcasts. In contrast to other BVOD services, CTV+ content is **100% Australian made**.

CTV+ is currently available via ctvplus.org.au, available to download on mobile devices via iOS and Android and is currently in development for Smart TV releases on the Android and Samsung TV platforms in early 2025. ACTA is currently actively seeking prominence protection for CTV+ through Ministerial designation.

¹ Oztam Ratings, Ave AUD (Total People), Potential Audience 5,433,525 (Melbourne), 1,527,772 (Adelaide), Sample Size 3,688 (Melbourne), 1,557 (Adelaide) – December 2023.

INTRODUCTION

ACTA welcomes the opportunity to respond to the ACMA's consultation on the TV prominence framework. As the representative body for CTV stations across the country, we are focused on securing the future of CTV by ensuring it remains accessible and relevant in an increasingly digital media landscape. The development of the CTV+ Smart TV app is a cornerstone of our vision for the sector's future, and securing its prominence alongside major broadcasters is critical to its success.

Our response is also informed by the Roadmap 2033², particularly Strategy 1, which focuses on securing the capacity to meet the evolving media needs of communities. This strategy underscores the importance of expanding CTV's digital footprint and ensuring it remains visible and accessible in the rapidly changing broadcasting environment. While the recent prominence legislation is a key step forward, gaps remain, particularly regarding the recognition and prioritisation of digital platforms and Smart TV apps like CTV+.

ACTA's responses to this consultation emphasise the need to protect and promote CTV's visibility on these platforms, in line with the long-term objectives set out in Roadmap 2033. We echo the concepts outlined by the Community Broadcasting Association of Australia (CBAA), emphasizing that ACMA regulations must ensure that television services, including CTV, remain as freely accessible as possible. It is crucial that manufacturers, who act as gatekeepers to TV services, are held accountable by the prominence framework to avoid unduly restricting audience access.

The prominence legislation was designed to counteract commercial incentives for manufacturers to prioritise paid-for services and ensure that free services, including CTV, which fulfill key public interest objectives, are not deprioritised. The ACMA must play a central role in enforcing compliance with these regulations, ensuring that their implementation does not dilute the intent of the legislation. We fully support the CBAA's stance that the prominence framework should ensure all regulated television service apps, including CTV+, are immediately visible on device home pages, without exceptions or loopholes.

ACTA's responses to the consultation questions reflect this strategic focus, aligning with the long-term objectives of Roadmap 2033 and emphasizing the need to protect and promote CTV as we transition further into the digital age.

² [Roadmap 2033](#), Community Broadcasting Association of Australia – October 2023

THE CTV TRANSFORMATION PLAN

The CTV Transformation Plan outlines a bold vision for the future of Australia's CTV sector, building on the momentum of the recent Broadcasting Services Amendment (Community Television) Bill 2024 *Bill*.³ The plan aligns with the strategic priorities of Community Broadcasting Roadmap 2033 and seeks to unite C31 and C44 into as a sustainable national entity. This move aims to enhance operational efficiency, amplify diverse voices, and foster greater social cohesion across Australia's multicultural landscape.

A key component of this plan is the expansion of the CTV+ Smart TV app, which will secure prominence on digital platforms, broaden the reach of community content, and generate new revenue streams. To support this transformation, the sector is seeking restorative funding over the next three years. This investment will address current financial challenges, support essential technological upgrades, and lay the groundwork for long-term sustainability. By investing in CTV, the Government will ensure that the sector not only survives but thrives, continuing to enrich Australian society by providing a platform for local stories, cultural representation, and community engagement. This funding proposal is currently under review and represents a critical opportunity for the CTV sector to achieve its full potential in the evolving media landscape.

BEYOND BROADCASTING: Community TV's Crucial Impact

In today's rapidly evolving media landscape, CTV remains a significant and impactful medium. Here is how we are reaching audiences across Australia and making a meaningful difference:

1. **Amplifying Diverse Voices:** Just as community radio gives voice to the unheard, CTV shines a light on the unseen.
2. **Cultural Kaleidoscope:** A reflection of the rich diversity of Australian life demonstrated through our programming, highlighting the many facets of our society.
3. **Media Rebellion:** We are challenging conventional media norms by promoting a more inclusive and diverse range of perspectives.
4. **Talent Launchpad:** We provide opportunities for emerging talent to develop and display their skills, helping to shape the future of Australian media.
5. **Community Superglue:** Strengthening community ties, bridging differences, and contributing to a more socially cohesive Australia by fostering inclusion, participation, and a sense of belonging.
6. **Public Service:** We help deliver essential information, emergency updates, and community-focused content to audiences that may not be reached by mainstream media.
7. **Economic Energiser:** Supporting local economies by creating jobs, supporting small-to-medium local businesses, and encouraging entrepreneurship within our communities.
8. **Innovation Incubator:** We are at the forefront of media innovation, continually exploring latest ideas and setting trends.
9. **Wellness Wonderland:** We combat isolation and uplift spirits by creating a supportive, inclusive environment that embraces the diversity of all Australians.

³ [Broadcasting Services Amendment \(Community Television\) Bill 2024 – Parliament of Australia](#)

CTV is more than just television—it is a platform for connectivity, creativity, and community empowerment. We are not just offering new programming; we are making a positive impact, one broadcast at a time.

Question 1: Do you have any views on the ACMA's proposed approach?

ACTA supports the ACMA's proposed prominence framework and strongly endorses the 'must-carry' model, which aligns with our strategic objective of ensuring that CTV remains easily accessible and highly visible on Smart TVs. This is vital for the long-term success of the CTV+ platform, which aims to offer local community content alongside commercial and national broadcasters.

As CTV embraces its digital transformation, ensuring platforms like CTV+ are discoverable and prominently featured is critical for the sector's sustainability. The prominence framework plays a crucial role in allowing us to compete fairly with larger broadcasters, ensuring Australian audiences can continue to engage with culturally diverse and locally relevant content.

We also align with the broader television industry in recommending that the ACMA's focus be on preparing manufacturers for compliance with the new legislation and forthcoming regulations from the Minister.

To ensure accountability, the ACMA should implement a concurrent timetable for compliance and issue an annual monitoring and compliance report, with clear actions outlined for addressing non-compliance.

Question 2: What are your views on the proposed considerations when applying the primary purpose test? Is there anything else the ACMA should consider?

As outlined in the Explanatory Memorandum, while the definitions in subparagraphs 130ZZL(1)(a)(i) and (ii) cover regulated devices, provisions for "edge cases" must be revisited as technology evolves. This flexibility is critical for ensuring that smaller broadcasters, like those in the CTV sector, remain accessible on emerging platforms.

In alignment with the CBAA's perspective, we believe that smart projectors and smart monitors should clearly fall within the scope of regulated devices. Excluding smart monitors risks undermining the intent of the prominence legislation by incentivising manufacturers to eliminate VHF/UHF tuners, marketing these products as smart monitors instead. Such exclusions could financially benefit manufacturers but do not serve the public-interest objectives of the legislation, potentially limiting Australians' access to free-to-air content, including CTV.

Additionally, it is essential to recognize that devices often serve multiple "primary purposes," especially in households where television viewing may coexist with activities like gaming. The definition should account for this ordinary meaning, ensuring the legislation does not create a loophole that could undermine the intended protections and accessibility for CTV services.

Question 3: Is there a device the ACMA has not mentioned in this paper that you think should be considered?

As outlined above, ACTA believes that hybrid devices, such as integrated entertainment systems and portable Smart TVs, should be captured within the scope of the prominence framework. As

multipurpose viewing becomes increasingly popular in households, it is crucial that CTV's digital streaming service and associated apps, particularly CTV+, receive equal prominence alongside other broadcast services. The prominence legislation should be applied based on the devices outlined in its definitions, with provisions for regular reviews to address new technologies as they emerge. Additionally, the ACMA should provide guidance on how it intends to treat newer services, to ensure consistency and inclusivity across all platforms.

Question 4: Do you consider there is a need for the ACMA to clarify whether certain specific domestic reception equipment is, or is not, a regulated television device?

Yes, ACTA believes it is crucial for the ACMA to provide further clarity on the classification of specific domestic reception equipment as regulated television devices, especially considering developments concerning the prominence of CTV. The prominence legislation passed earlier this year offers essential protection for FTA broadcasts, but it does not extend this protection to Smart TV apps like CTV+, leaving CTV's app outside the scope of guaranteed discoverability. This creates a significant gap in ensuring CTV remains accessible across emerging digital platforms, particularly Smart TVs and other internet-connected devices.

Given that CTV is evolving with platforms such as CTV+, which expand digital engagement and reach, addressing this ambiguity is vital to future-proof the sector. CTV must be treated with equal consideration as other broadcasters within the prominence framework to ensure it remains sustainable and accessible in an increasingly digital media landscape.

ACTA strongly recommends that the ACMA clarifies the definition of "regulated television devices" to encompass both traditional FTA services and Smart TV apps like CTV+. This would ensure that community content remains prominent and easily discoverable on Smart TVs and other relevant devices. Moreover, as technology evolves, the legislation should provide for regular reviews (e.g., every 2 to 3 years) to keep pace with market developments, as suggested in the CBAA's submission.

This would also allow the ACMA to address how new services, fit within the prominence framework, ensuring consistent application across all platforms.

Question 5: Should the ACMA exercise its discretion to make descriptions or requirements for a device's primary user interface? Should the descriptions or requirements refer to the primary user interface extending beyond the static landing page for access to VOD apps, to include scrolling (horizontally or vertically)? Do ribbon or row layouts require different consideration to grid layouts?

ACTA believes that the legislation and Exposure Draft ministerial regulations are rightly designed to ensure prominence for CTV services on the static landing or home page of regulated devices.

Extending these requirements to scrolling interfaces, such as ribbon or row layouts, could dilute the clear protections currently offered by the legislation. By keeping the focus on the static home page, the prominence framework ensures that Australian audiences can easily discover and access public interest services, like CTV+, without these being sidelined by commercial interests on more dynamic interfaces.

This protection is crucial for maintaining the accessibility and visibility of community content.

Question 6: Do you support treating content aggregating interfaces differently from other regulated television devices when describing requirements for the primary user interface?

ACTA does not support treating content aggregating interfaces differently from other regulated television devices when describing requirements for the primary user interface. Ensuring uniformity in how all regulated devices present public interest services, such as CTV+, is essential for maintaining prominence and accessibility.

Treating content aggregators differently risks creating loopholes that could undermine the intent of the legislation, allowing key community services to be deprioritized in favour of commercial content.

Equal treatment across all devices ensures a level playing field for CTV and other free-to-air broadcasters.

Question 7: To what extent do existing contractual arrangements between device manufacturers (or operating systems) and content service providers (such as SVOD providers) affect the ability to provide prominence for BVOD apps on the primary user interface?

ACTA supports the position taken by the CBAA on this matter and echoes their response.

Question 9: Is there sufficient transparency about which apps are currently offered to which manufacturers?

ACTA believes that there is currently insufficient transparency regarding which apps are offered to various manufacturers. This lack of clarity can hinder effective access to regulated television services and diminish audience engagement with CTV content. To promote greater discoverability and ensure compliance with prominence regulations, the ACMA should establish a system that clearly documents and communicates the apps available on different devices. By doing so, stakeholders, including content providers and audiences, can better understand the landscape and ensure that CTV services are adequately represented. Increased transparency will ultimately support the goals of the prominence legislation and enhance the overall accessibility of regulated services for Australian viewers.

Question 11: Under what circumstances might a manufacturer “reject” an app that meets its quality and timelines criteria?

ACTA recognises that manufacturers might reject apps meeting their quality and timeline criteria for various reasons. These can include strategic business decisions favouring certain content providers, market competition leading to exclusive agreements, and user experience considerations that prioritise platform cohesion. Additionally, technical limitations related to device performance and storage, as well as content restrictions aligned with brand values, can also play a role. It is crucial for the ACMA to address these potential barriers in the prominence framework to ensure fair access to regulated television services for all Australians.

SUMMARY

ACTA appreciates the opportunity to provide input on the ACMA's proposed TV prominence framework. Ensuring the prominence of CTV is critical to its survival and continued service to Australia's diverse communities. We support the framework's intention to keep local, free-to-air services easily accessible on connected devices and strongly advocate for extending these protections to community TV apps like CTV+, which are vital for our sector's future.

We also wish to highlight emerging challenges related to removal of UHF broadcast reception on some new television sets, which we believe would be in breach of the prominence requirements once in force. If not addressed, this could undermine the goals of the prominence legislation by restricting access to community TV through traditional free-to-air means, which is very important to our audiences. Therefore, it is crucial for the ACMA ensure, as part of its compliance activities under the prominence framework, that it monitors television devices to ensure that they are both VHF and UHF-capable devices, as part of the regulated ecosystem.

In summary, ACTA urges the ACMA to consider the broader implications of technological advancements on CTV and use its powers accordingly to include compliance with the legislation on both traditional and emerging platforms.

This approach will ensure that CTV remains discoverable, accessible, and prominent alongside commercial broadcasters in Australia's dynamic media landscape.



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