



**A submission to the
Australian Communications and Media Authority
*Implementing Australia's TV Prominence Framework***

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We thank ACMA for the opportunity to respond to the *Implementing Australia's TV Prominence Framework*.

Since 2019 our team at RMIT University has been researching connected TV devices and their use in Australia. Our research is funded by the Australian Research Council and is independent of any industry interests. Our previous submission to the Prominence Framework for Connected TV Devices Proposals Paper¹ contained evidence and policy recommendations regarding local content prominence. We supported the Media Reform (Prominence and Antisiphoning) Bill (2023) in its objective to secure the visibility of national broadcasters, including our public-service broadcasters, within connected TV interfaces. We believe this intervention is necessary to protect Australia's national investment in public-service broadcasting and to ensure a fair and competitive marketplace for connected TV apps – one in which local services can fairly compete.

We would now like to share our recommendations, based on findings from this research, on several aspects of ACMA's proposed regulatory framework for TV prominence.

Devices in scope

We **support** the ACMA's definition of regulated devices and the underlying framework of the primary purpose test as defined during the legislative process.

Our research suggests that regulation should target the most widely used devices to maximise the public value of prominence reform. In the Australian consumer electronics marketplace there are – and will likely remain for the foreseeable future – a wide range of devices capable of distributing connected TV content. The most relevant of these for regulatory purposes are smart TVs and TV streaming devices, and these devices are well defined in the legislation and proposed regulatory framework.

The edge cases of smart projectors and smart monitors are more challenging. Our research suggests that smart projectors and smart monitors are presently uncommon in Australian households. We also believe regulation of these devices is unlikely to make a significant difference to the overall success of prominence reform. This may need to be revisited in future should market conditions change.

In our view, the most important considerations when deciding which devices to regulate for prominence are as follows:

- the device is sufficiently widely used among the Australian population to warrant its inclusion in the prominence framework;
- the device is marketed by manufacturers and retailers as a connected TV device, as opposed to a multifunctional computing device (primary purpose test);
- a preinstallation and prominence market already exists on the device; and
- local broadcaster apps are demonstrably disadvantaged within that market.

¹ Lobato, Scarlata and Schivinski (2023) [Smart TVs and local content prominence](#).

While these factors are mostly captured within the regulatory framework set out by ACMA, it may be worthwhile to consider the marketing and retailing of devices when deciding which devices fall in scope of regulation.

In the case of smart projectors, major manufacturers such as Hisense and LG also manufacture TVs and will thus be aware of the requirements of prominence regulation. However there also exists a long tail of imported smart projectors – including low-priced devices sold on eBay and other discount platforms – that are unbranded and sold at low cost. Given the niche status of these products, we suspect that enforcement of prominence regulations may not warrant the resources required to police these markets. This could change in future, in which case the ACMA would need to revisit these definitional matters.

As a general rule, we would suggest that ACMA’s prominence framework be designed in a forward-facing way that can respond effectively to future changes in technology and markets, while prioritising the devices that are the most widely among Australian consumers at any given time.

Defining a primary user interface

We **support** the ACMA’s proposed approach to defining a primary user interface on connected TV devices.

The legislation requires that local BVOD apps be visible on the primary UI; however the ACMA framework raises the question of whether primary UI can be defined to include adjacent screens accessible by scrolling. This is an important question that needs careful consideration.

In our view, regulatory consideration should also be given to:

1. the expectations of users and their familiarity with navigating the UI, and
2. the current and future design practices of connected TV UIs

On the first point, our research with smart TV users suggests that most users are comfortable scrolling horizontally through an app row. This is why we suggested in our submission to the Prominence review that scrolling should be considered “acceptable if the shortcut row or collection extends off-screen”.

On the second point, our device testing shows that smart TV UIs from the top-5 brands in Australia – Samsung, LG, Sony, Hisense and TCL – all have a clearly identifiable app launcher row that is visible upon start-up of the TV. In each case, this app launcher row clearly extends off-screen and thus invites the user to scroll horizontally to reveal the full range of apps (see Figure 1 and Appendix).

Figure 1: Smart TV home screens with app launcher rows extending off-screen, inviting the user to scroll to the right.



SAMSUNG



LG



SONY



Hisense



TCL

Given that app rows are clearly visible and extensible on all smart TV UIs, we are confident that most smart TV users would be able to understand this design convention. As such, we believe that including the BVOD apps somewhere within this row should constitute due prominence.

Additionally, ACMA's stipulation that the BVOD icons must appear within a space equivalent to double the number of on-screen slots will help to ensure that apps cannot be relegated to the end of a very long list, thus potentially diluting the effect of prominence regulation. ACMA's

proposed language seems to us a helpful specification that should more concretely define the appropriate zone of prominence.

For these various reasons, we support ACMA's proposed approach to defining the primary UI of the device.

Accounting for future changes in smart TV UI design

Smart TV UIs change frequently, which raises the question of how to ensure regulatory definitions remain fit for purpose over the long term. For example, several submissions to the prominence inquiry noted that TVs are shifting to a more curated design approach with personalised content recommendations rather than app shortcuts and dedicated app-specific rows.

While this is true to some extent, with Google in particular following this model, we believe it is unlikely that manufacturers will abandon home-screen app shortcuts in the immediate future. Our view is based on the following reasons:

- App shortcuts are still – at present – an important part of all the major smart TV platforms' design philosophy (see Figure 1). Our recent qualitative interviews with a sample of Australian smart TV users also emphasised that the app launcher row is the most common entry point into services for users, rather than the Apps page.
- We would expect that any attempt to remove app icons from the home screen would be met with resistance from content providers, including those providers who currently pay manufacturers for prominence.
- Manufacturers and platforms are generally reluctant to make major changes that require users to change their “mental maps”, and the removal of app shortcuts would certainly constitute a major change. Indeed, app/widget shortcut rows or grids have been a feature of most smart TVs since the early 2010s, and are also an organising principle of mobile UIs.

For these reasons, we do not expect the disappearance of app rows from smart TV home screens imminently, and we expect that the prominence approach laid out in the legislation and further specified in ACMA's framework should be robust over the short to medium term. However, if design conventions change in such a way as to weaken the prominence framework ACMA must be prepared to redefine the primary UI accordingly.

Accounting for UI design variations

CTV streaming devices and set-top boxes are more eclectic in their UI design and may not always feature an app launcher row on the home screen. For example, Fetch – whose representatives gave evidence at the Senate committee hearing – uses an aggregation/curation approach on the home screen while hosting app shortcuts in a separate page of its UI. The ACMA framework raises the question of whether content aggregating interfaces should be treated differently from other regulated television devices.

In our view the legislation is clear that the primary user interface can be either the home screen or the “main interface most commonly used to provide access to applications”. In this context, the content aggregation approach used by devices would be acceptable so long as the local BVOD apps appear prominently within that interface used to provide app shortcuts. (The Appendix to this submission provides images of leading smart TV home screen and app store UIs, which may assist ACMA in its planning.)

In all cases, prominence compliance needs to be carefully monitored over the long term. We would therefore encourage ACMA to support an ongoing programme of prominence monitoring for all devices – especially those using a content aggregation approach – to ensure that their overall performance as regards local content prominence is acceptable within the spirit of prominence reform.

Other issues requiring long-term regulatory attention

Issues raised throughout the reform policy process but not addressed in legislation include **ad labelling, recommendations**, and **search**. These aspects of prominence all bear on the central issue of how smart and connected TV device OSs prioritise content from a range of different providers, including Australian broadcasters. As such, they raise important policy questions around transparency and neutrality in content aggregation.

The initial Prominence Proposals Paper canvassed as one element of the must-carry framework an obligation to “include a disclosure” in cases where “the editorial placement of applications or content were the product of commercial arrangements (involving the payment of fees, remuneration or any other form of monetary or non-monetary consideration)” (38). This would bring connected TV in line with web search engines in terms of disclosure requirements. However, the Explanatory Memorandum explicitly states that prominence rules do not apply to search (27); and the Bill makes no reference to ad labelling.

We refer the Committee to pages 22-24 of our previous submission which details the current state of search integration on smart TVs and the prominence challenges this poses for local providers.

In our view, regulation of search – a minimalist model designed to ensure search neutrality and to minimise the potential for self- and partner-preferencing – is in the national interest and should form part of a longer-term regulatory agenda for government. We hope that this important issue will be revisited in future media regulation as well as in the competition reform agenda led by ACCC and Treasury.

We also refer the Committee to page 25 of our submission containing empirical evidence on user awareness of connected TV advertising. We found that 55% of Australian smart TV users cannot distinguish between a paid ad and an organic recommendation on a smart TV home screen. Given the potential consumer harms arising from these practices, we urge government to continue to monitor connected TV advertising practices and to revisit this issue in future media reform.

Finally, we note that many of the issues raised during the Prominence review of connected TV apply equally to audio media. On this matter, we welcome DITRDCA's announcement of an inquiry into radio prominence on smart speakers. Our research at RMIT suggests that many of the prominence deficits and related business practices investigated during the Prominence review may also hinder the ability of audiences to find Australian radio services.

Hence the policy principle driving the Prominence review – that Australian media services “can be easily found on [connected] devices, so that they can continue to contribute to Australia’s public and cultural life” (5) – should also guide government’s approach to audio regulation in coming years. We believe that lessons learned from TV prominence regulation may be of great value to Australian radio providers and their audiences as they confront the increasing mediation of radio content by digital platforms.

We are happy to supply ACMA with further details on these or other issues.

A/Prof Ramon Lobato and Dr Alexa Scarlata
RMIT University
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Appendix

Additional evidence: photos of smart TV home-screen and app store UIs

These photos of smart TV app launcher rows and app stores, taken in the RMIT Smart TV Lab, may be of assistance to ACMA in developing its final regulatory framework.

In all the TVs we have tested, an app launcher row appears above the fold on the home screen. We observe that:

- the number of apps featured in the app launcher row varies between 14 (Samsung) and 23 (Hisense);
- the app launcher rows are all horizontally scrollable to the right;
- in all cases there is sufficient space to include all regulated television service apps within a space that is not beyond double the initial view of the primary user interface; and
- at present, only one smart TV operating system (Hisense) is including all regulated television service apps within a space that is not beyond double the initial view of the primary user interface. The Hisense UI thus offers an illustration of what regulated UIs might look like.

Notes:

- Photos were taken in October 2024.
- We used 2022 smart TV models that we reset to factory-default settings. We also double-checked that the device software was updated. There were some instances (Sony, Hisense and TCL) where the latest software version was not downloadable.
- Supplementary videos of the user journey can be accessed here:
 - [Samsung](#)
 - [LG](#)
 - [Sony](#)
 - [Hisense](#)
 - [TCL](#)

SAMSUNG

Software version: 1641



Samsung app launcher row: 13 apps



Samsung app launcher row (after 1 right-scroll): 1 app



Samsung "Apps" page (app store)



[Samsung user journey](#)



Software version: 03.33.85



LG app launcher row: 13 apps



LG app launcher row
(after 1 right-scroll): 5 apps



LG "Apps" page (app store)



[LG user journey](#)

SONY

Software version: Android TV OS version 11

Note: current Sony TVs sold in the Australian market are using Android TV OS version 12



Sony home screen



Sony app launcher row: 9 apps



Sony app launcher row
(after 1 right-scroll): 9 apps



Sony app launcher row
(after 2 right-scrolls): 4 apps



Sony "Apps" page (app store)



[Sony user journey](#)

Hisense

Software version: V0000.06.21U.N0123 (version 6)

Note: current Hisense TVs sold in the Australian market are using VIDAA U7 (version 7)



Hisense app launcher row: 12 apps



Hisense app launcher row
(after 1 right-scroll): 11 apps



Hisense "More Apps" page



Hisense "app store"



[Hisense user journey](#)



Software version: Android TV OS version 11

Note: current TCL TVs sold in the Australian market are using Android TV OS version 12



TCL home screen



TCL app launcher row: 9 apps



TCL app launcher row (after 1 right-scroll): 9 apps



TCL app launcher row (after 2 right-scrolls): 4 apps



TCL "Apps" page (app store)



[TCL user journey](#)