

# Implementing Australia's TV Prominence Framework



The Australian Children's Television Foundation (ACTF) welcomes the opportunity to contribute to the public consultation: Implementing Australia's TV Prominence Framework.

## 1. Timeline - implementing the framework

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

*(ACTF has no comments)*

## 2. Defining a regulated television device

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

*(ACTF has no comments)*

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

*(ACTF has no comments)*

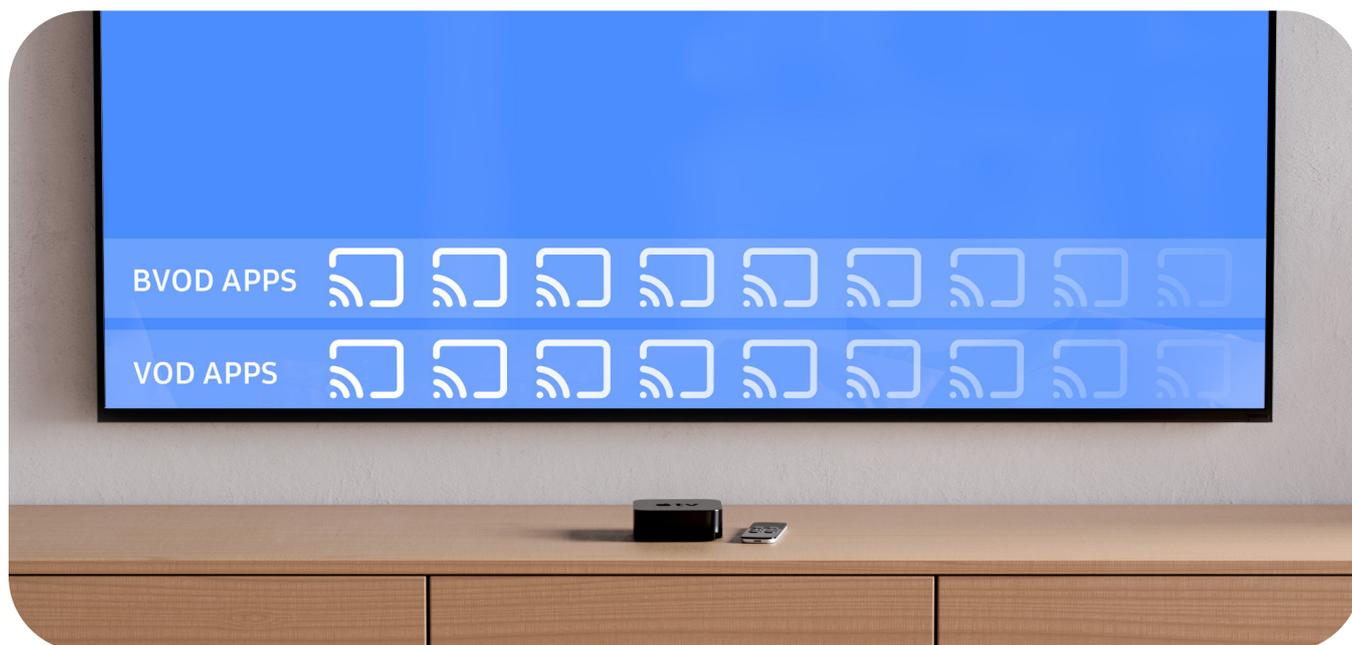
**Question 4 : Do you consider there is a need for the ACMA to clarify whether certain specific domestic reception equipment is, or is not, a regulated television device?**

*(ACTF has no comments)*

## 3. Defining a primary user interface

**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?**

We support ACMA exercising its discretion. However, the must-carry BVOD apps should always be entrenched in their own ribbon, separate from other VOD apps, which are subject to contractual arrangements and other customizations of the user. Separating the BVOD apps from the other VOD apps will avoid the technical obstacles presented such as 'fitting it in the home screen' and establishing a buffer zone on scrolling. Commonly, when the television software is updated, it changes the applications to a 'default order' and may put the BVOD apps outside of the prominent home screen. Including a separate ribbon for the BVOD apps would ensure that the prominence framework can effectively fulfil its goals by truly making the regulated television services prominent, while avoiding any technical or commercial issues if they were to be arranged with the regular VOD apps. As with the regular VOD apps, users could have control in arranging the order of BVOD apps in their dedicated ribbon (or row/column, etc.).



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

If their primary user interface does not display a scrollable list of apps, then this should not negate the fact that it is the 'home or main screen' of the device, and therefore be subject to the prominence requirements. The BVOD apps should appear on the home or main screen of an aggregating interface, whether it contains the other VOD apps or not.

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

For this reason, ACTF has suggested the position outlined in Question 5. Implementing a separate BVOD app ribbon from the other VOD ribbon will overcome conflicts of contractual arrangements. It separates the legal from commercial obligations and importantly establishes clarity with the requirements of the prominence framework.

#### 4. When a regulated television service is offered

**Question 8: Should the ACMA determine circumstances in which a regulated television service is, or is not, taken to be 'offered'? Is the ordinary meaning of 'offered' adequate?**

*(ACTF has no comments)*

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

*(ACTF has no comments)*

**Question 10: What circumstances should the ACMA consider for a regulated television service to be, or not be, taken to be 'offered'?**

*(ACTF has no comments)*

**Question 11: Under what circumstances might a manufacturer 'reject' an app that meets its quality and timeliness criteria?**

If manufacturers have a right to reject an app because it does not meet the quality and timeliness criteria under the new regime, there should be procedural safeguards to ensure that there is a high level of transparency and accountability when an app is rejected. If broadcasters must adhere to quality and timeliness criteria for their apps, there should be a corresponding onus on the manufacturers to provide enough information in a timely manner, and to ensure that broadcasters have a realistic timeline for their deliverables. ACTF suggests:

- Manufacturers must give broadcasters sufficient time and information to make it possible for broadcasters to develop/update an app in the given timeframe and to an adequate quality standard. ACMA could set such realistic timeframes as an objective and informed authority.
- Quality and timeliness criteria must be clearly defined, objective and clearly communicated to all broadcasters and manufacturers.
- Where a manufacturer has rejected an app by a broadcaster because it has not met the quality and timeliness criteria, there should be an appeal mechanism overseen by the ACMA, to ensure procedural fairness.

**Question 12: Are there different circumstances that the ACMA needs to consider for different kinds of regulated television services?**

*(ACTF has no comments)*