



24 January 2024

Committee Secretary
Senate Standing Committees on Environment and Communications
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**FetchTV –
Communications Legislation Amendment (Prominence and Anti-Siphoning) Bill 2023
Senate Standing Committees on Environment and Communications**

Dear Secretary

Thank you for allowing us the opportunity to make a Late submission to the Committee regarding the Communications Legislation (Prominence and Anti-Siphoning) Bill 2023 (**Bill**) as referred to the Committee on 30 December 2023.

About Fetch

Fetch partners with leading Internet Service Providers and major retailers to provide subscribers with a box based, internet delivered entertainment aggregation platform for viewing on TV and mobile devices. The Fetch product proposition is based on 'All your entertainment, easy', with all design and development occurring in-house in Australia. The Fetch service provides seamless integrated access to Free-to-Air TV channels and FTA Apps, subscription channels, FAST channels, YouTube, and SVOD. The service also offers TV and Movie Stores with over 10,000 titles from all the major studios, and UFC pay-per-view. Following an investment by Telstra Group Limited in 2022, Fetch operates as a joint venture between Telstra (54%) and Astro Holdings. Fetch currently services more than 600,000 households, and planned migration to Fetch of the 800,000 Telstra TV base has commenced from late 2023. ISP partners include Telstra, TPG / iiNet, Optus, Vocus, and Aussie Broadband. Retail distribution partners include JB Hi-Fi, Harvey Norman, The Good Guys and more. SVOD apps include Netflix, Disney+, Prime Video, Paramount Plus, Stan, Hayu, and more. Please see Fetch.com.au

Submission

We have made submissions to the Department generally regarding the subject matter of the Bill and specifically in connection with the issues of prominence. A copy of our earlier submission is attached for your ease of reference.

We would like to take the opportunity to raise with the Committee's a matter of particular interest to FetchTV, which we explored in some detail in our submission dated 27 February 2023, was the concept of reciprocity.

In our submission, we emphasised that Fetch supported the provision of prominence to relevant Australian television services. We recognise and acknowledge the overarching goal of the Government to legislate and

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highlight Australian free-to-air network content. But we also argued that reciprocity and fairness toward platforms and manufacturers should be integral aspects of the legislation. Annexed herewith is the extract from our submission for your reference (see Annexure A).

This concept does not seem to have formed part of the Bill.

Fetch is keen to see amendments to the Bill to ensure that the legislated prominence on the User Interface (UI) and the EPG for the free to air content comes with an obligation on the free to air networks to do the following:

- (a) Provide platforms, free of charge, with the following:
 - i. EPG data
 - ii. Other listing data/metadata, including information as to programme genre, dates of broadcast, series, episodes, classification. Data to be consistent with what is made available via the FTA's own services.
- (b) Provide that FTA broadcasters should make the IP feeds of all their channels available outside of their BVOD Apps. Platforms such as Fetch TV should have the right to take the IP feed for all FTA Channels and make those feeds available for no fee via the EPG and providing the FTA channels with the assigned channel number

We note that these actions will only ensure that the FTA prominence (including navigation and discovery) is enhanced. In particular, the provision of the data will assist in search and discovery and making available the IP Feeds will greatly assist access to the FTA content for Australians living in black spots or in other situations where access to FTA content is impaired or missing.

To that end we note that the terms of sub-section 130ZZN (3) provides:

A person who is subject to a requirement under subsection (1) or (2) in relation to a regulated television device complying with the minimum prominence requirements for a regulated television service must not require the regulated television service provider to pay a fee, charge or any other consideration for, or in connection with, the device complying with those requirements.

And this sub-section would need to be amended to ensure that the provision of IP Feeds and data/meta data does not constitute consideration under this sub-clause.

It is not clear whether the scope of anticipated regulations would cover reciprocal obligations, but using the regulations would be another place in which the principle of reciprocity could be included to ensure that the providers of Regulated Television Devices are fully enabled to comply with the prominence requirements so established by the regulations.

Yours sincerely

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