



Australian  
Children's  
Television  
Foundation

# Submission to the Senate Inquiry into the Communications Legislation Amendment (Prominence and Anti-siphoning) Bill 2023

January 2024



The Australian Children's Television Foundation (**ACTF**) welcomes the opportunity to contribute to the Senate Inquiry into the *Communications Legislation Amendment (Prominence and Anti-siphoning) Bill 2023 (Bill)*.

### **About the Australian Children's Television Foundation**

We are a non-profit company funded by the Commonwealth Government and the governments of all States and Territories of Australia. We invest in the development and production of children's content, nurture, and scaffold new producers, distribute children's screen content all over the world and develop ancillary education resources to support the use of ACTF-supported programs in Australian schools.

### **ACTF Support for introducing the Bill**

The ACTF fully supports the Australian Government's decision to amend the *Broadcasting Services Act 1992* by introducing a prominence framework to support the accessibility and prominence of Australian screen content on internet-connected television devices. The proposed changes in the Bill are crucial for addressing the challenges posed by technology-driven shifts, making it more difficult for viewers to find Australian content. The Bill is an important step in assisting Australians to have better access to locally produced screen content.

### **Why Australian Children's Content Matters**

When Australian children see their lives reflected on screen, they experience recognition and affirmation, with characters and stories that help them imagine all the possibilities for someone like them. Children's screen content is both a mirror and a window in a child's life, with the capacity to influence in profound and positive ways – to bolster a child's sense of identity, as well as to encourage them to walk in someone else's shoes. In this respect, Australian children's screen content is truly nation-building. We need an array of stories – including First Nations stories – from diverse producers around our country, to ensure the visibility of all our children on screen, and on all the platforms children turn to for entertainment. It is imperative to ensure that Australian children and their families have ready access to a variety of Australian screen content that is specifically made for them.

### **The Issue of Visibility and Discoverability of Australian Content**

Australian families are no longer watching television only on television sets: Australians are increasingly using internet-connected television devices and other devices to access screen content. The ACMA report, *'Trends and developments in viewing and listening 2022-23' (ACMA Report)*, notes that in the last year over half of Australian adults (52%) used smart TVs to watch online video content.

This change in viewing habits includes the platforms Australians engage with: Australians are opting for non-linear services rather than linear free-to-air television. Increasingly, Australian children and families are watching children's content on non-linear platforms, with the market share of linear channels declining for older school-aged children. Whilst younger children still favour the ABC, older children gravitate towards streaming and online platforms like Netflix, YouTube and Disney+ to watch content. In a sea of content from overseas, it is vital to address the visibility of Australian content in a fragmented and crowded media market by supporting promotion and marketing, as well as prominent placement of Australian children's content on the user interface of the internet-connected TV devices.

Australian children should be able to find Australian content on all the platforms they engage with. However, recent research has found that Australian content is often hard to find on streaming services.<sup>1</sup>

## ACTF's Recommendations Concerning the Bill

The ACTF supports the Bill – and the 'must carry' prominence framework it establishes – to help improve the visibility and discoverability of Australian content on all free-to-air services. The proposed changes will assist in restoring the level of prominence free-to-air broadcasters have historically received. The ACTF makes the following recommendations and modifications concerning the Bill:

### 1. Widening the definition of *Regulated Television Device*

The definition of 'Regulated Television Devices' is limited to devices that are 'designed for the primary purpose of facilitating the viewing of audiovisual content'. This would likely exclude mobile phones, tablets and laptops, which represent a large proportion of devices commonly used to stream content. The ACMA Report found that 54% of the surveyed participants used a mobile phone to stream video content, followed by the use of smart TVs (52%), laptops (30%), tablets (22%) and desktop computers (16%).<sup>2</sup>

Given that a large proportion of streamed content in Australia takes place on devices other than televisions, the proposed definition of 'Regulated Television Device' may be too narrow and susceptible to being quickly outdated by evolving viewing habits and technological advancement of devices. Therefore, the ACTF recommends that popular internet-connected streaming devices including mobile phones and tablets are considered *Regulated Television Devices* which are subject to the 'must carry' obligations when first purchased in Australia.

### 2. The Australian Children's Content App as part of the Bill

Children make up 20% of the overall population, and they should be able to easily find Australian content on the platforms they engage with. Therefore, the ACTF proposes for the Bill to include a mechanism that allows for better visibility of Australian children's content on internet-connected television devices. Specifically, we advocate for the creation of an Australian Children's Content App (**ACC App**). This ACC App would list all Australian children's programs available to be viewed in Australia on any platform and direct users to where each program can be accessed. Users could search for content based on criteria such as age range and genre, with the option to instantly play content available on free platforms (e.g., ABC iview, SBS On-Demand, Ten Play) or subscription-based services (e.g., Netflix, Stan, Paramount, Disney+, etc.). We recommend integrating this ACC App into the *Regulated Television Services* definition, making it subject to 'must carry' obligations for visibility on the primary user interface. The ACC App strongly aligns with the Bill's objectives and would address the current challenge faced by Australian families to find Australian children's content on devices and platforms.<sup>3</sup>

<sup>1</sup> *Parents' Perspectives on Australian Children's Television in the Streaming Era* (April 2022), available here: <https://actf.com.au/research>.

<sup>2</sup> *Communications and media in Australia: Trends and developments in viewing and listening 2022–23* (December 2023), available here: <https://www.acma.gov.au/publications/2023-12/report/communications-and-media-australia-trends-and-developments-viewing-and-listening-2022-23>

<sup>3</sup> *Parents' Perspectives on Australian Children's Television in the Streaming Era* (April 2022), available here: <https://actf.com.au/research>.

### 3. Enabling the Australian Children's Content App in the Bill

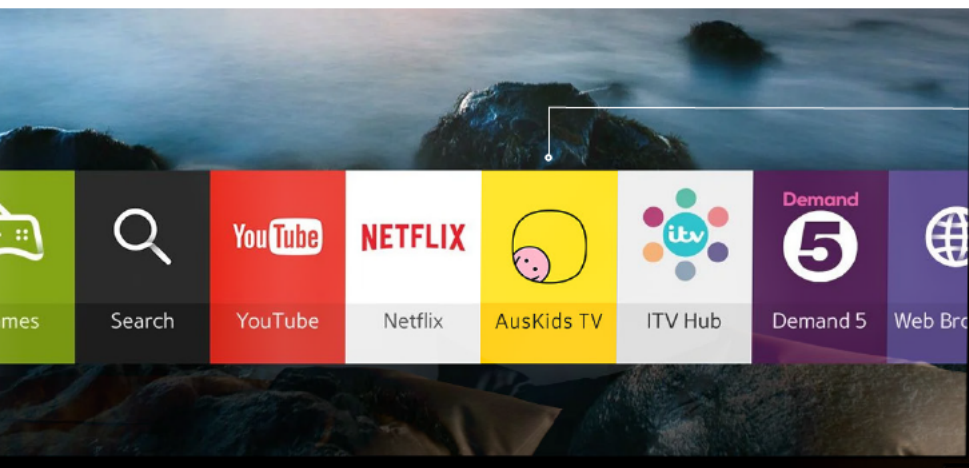
The proposed ACC App is likely to be very popular with children and their families, as it fulfils Australians' strong desire to watch local children's content in a time of changing viewing habits.

If the Bill will not include the ACC App in the *Regulated Television Services* definition, we recommend that the legislator provides for a legislative obligation to require all platforms and broadcasters to cooperate with the ACC App's purpose and functionality. This would include the ability to 'scrape' their respective web pages for program titles to make the ACC App operational.

In conclusion, the ACTF supports the amendments made by the Bill and calls for the creation of the Australian Children's Content App to assist Australian families in discovering locally produced children's content.



# Australian Children's Content App (example)



On all Australian TV's



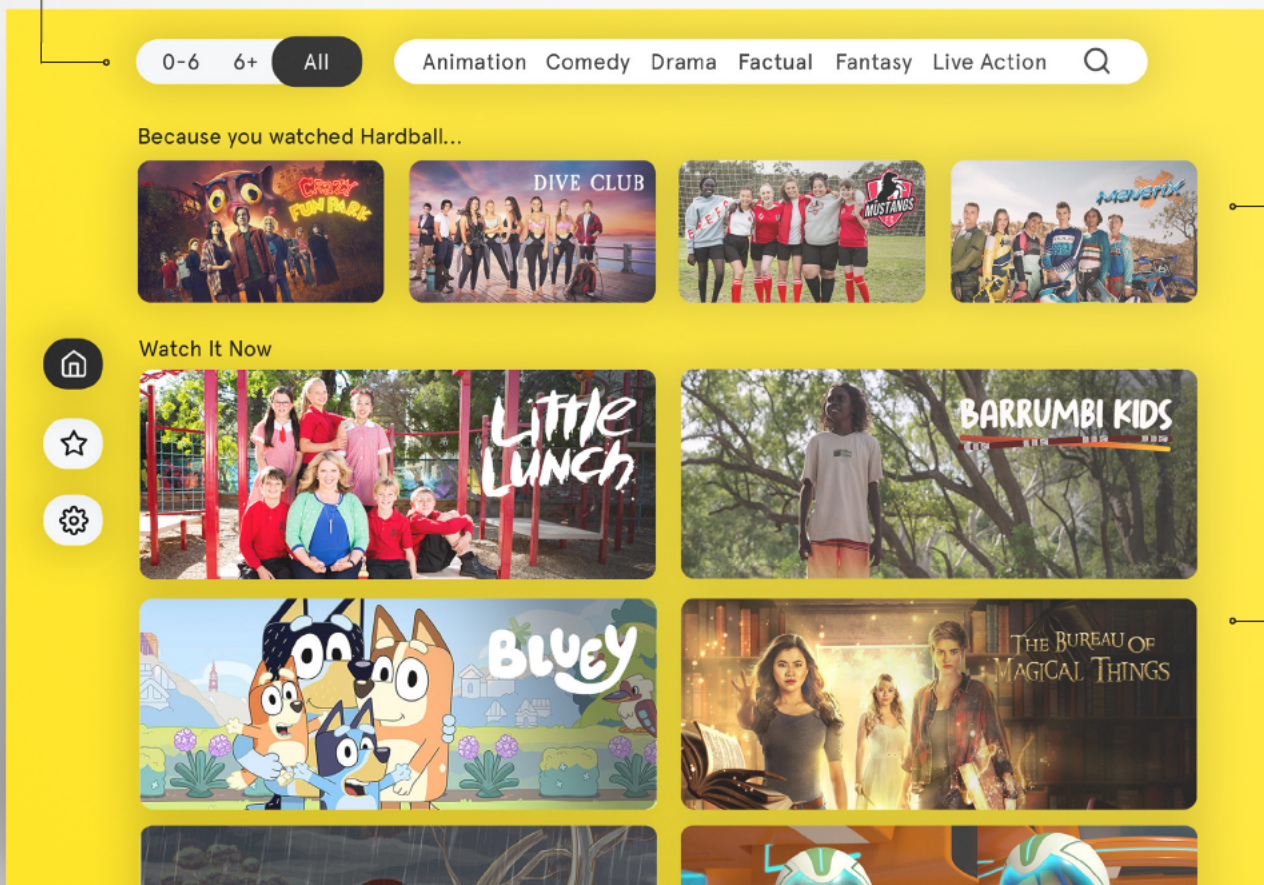


# Australian Children's Content App



Watch shows based on age

Recommendations based on previous viewing habits



All Australian children's film and TV in one place

# Australian Children's Content App

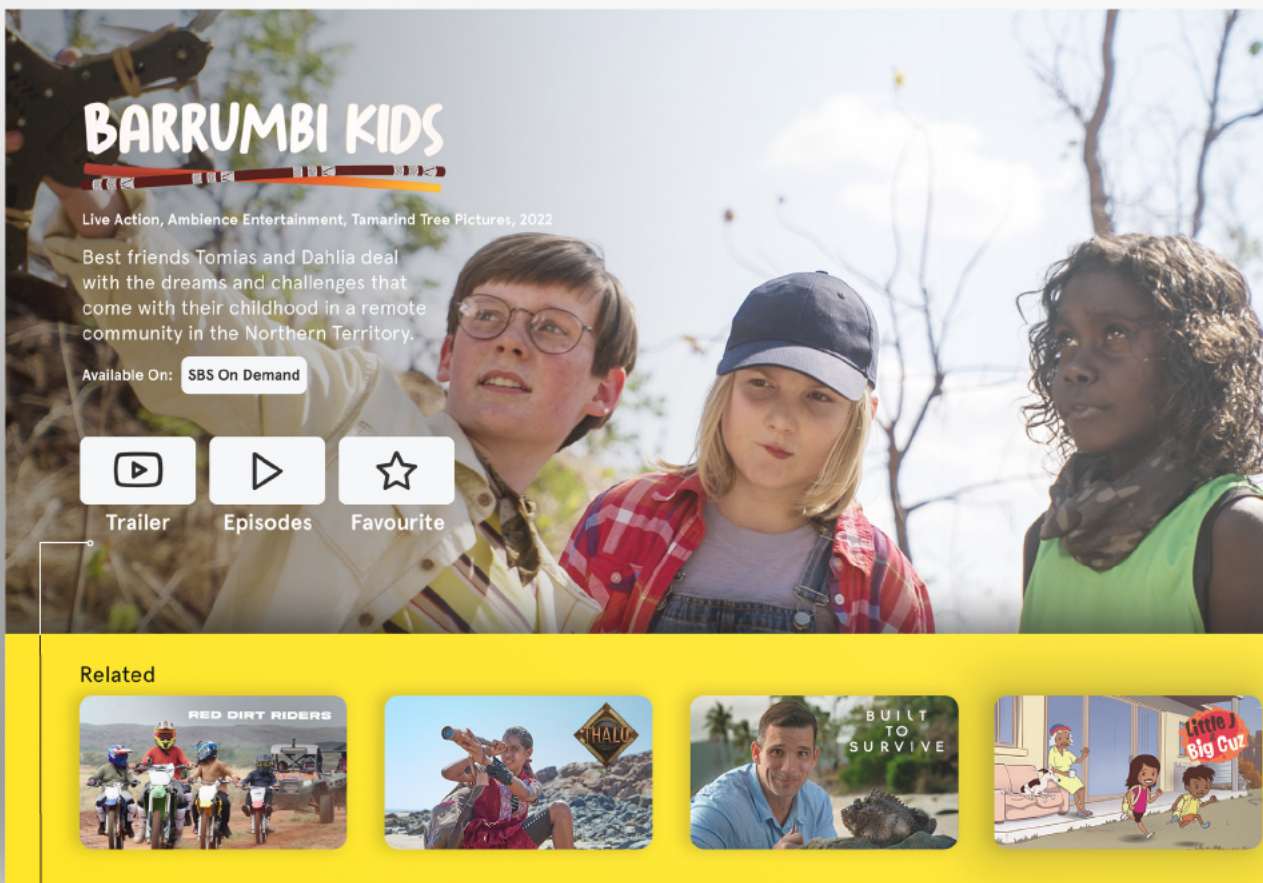


Links to VOD platforms

The screenshot shows the 'Little Lunch' app interface. On the left, the title 'Little Lunch' is displayed in a white, handwritten-style font. Below it, the text reads 'Live Action, Gristmill, 2015' and 'Little Lunch is a comedy series, where every episode takes place during that highly-anticipated school day break – morning snack time!'. Underneath, it says 'Available On: ABC iview Netflix'. At the bottom of this section are three buttons: 'Trailer' with a play icon, 'Episodes' with a right-pointing triangle icon, and 'Favourite' with a star icon. The main image shows three young girls in school uniforms hanging from a red horizontal bar on a playground. Below this is a yellow 'Related' section with four thumbnails: 'The Investigators', 'Space Nova', 'Hardball', and 'Maverick'.



# Australian Children's Content App



Viewers can watch the trailer, play the show directly from the another App or add the show to their 'favourites' list



# Australian Children's Content App



Households can select or block streaming services

