



AUSTRALIAN INDUSTRY
GROUP

Australian Digital Suppliers Industry Forum

Submission

**Australian Communications and Media Authority
Discussion Paper**

**Mandating parental lock capability in
domestic reception equipment—
Determination of a technical standard under Part 9A of the
Broadcasting Services Act 1992**

1 April 2010

EXECUTIVE SUMMARY

The Australian Industry Group (Ai Group) welcomes the opportunity to comment on the Australian Communications and Media Authority (ACMA) discussion paper - *Mandating parental lock capability in domestic reception equipment - Determination of a technical standard under Part 9A of the Broadcasting Services Act 1992* (parental lock standard).

The discussion paper describes the approach the ACMA intends to take in determining the parental lock standard and seeks comments on particular elements of the standard to which the ACMA has discretion.

It is noted that after the commencement date of the parental lock standard, it will be an offence under the Broadcasting Services Act 1992 (BSA) for a retailer to sell any digital TV receivers that do not comply with the standard.

In summary, Ai Group submits that:

- To ensure the effective operation of parental lock standard, broadcasters should be required, by way of an ACMA registered code of practice or, failing that, an enforced standard, to provide accurate information about start times and classifications in the now and next field of the broadcast service information tables.
- The parental lock should apply equally to all domestic reception equipment that is able to receive digital TV transmissions, including modular reception equipment and peripheral component interconnect (PCI) or universal serial bus (USB) connected reception equipment.
- The parental lock standard should not require the recording of all elements of the DVB-T service information necessary to enable the operation of parental lock functionality in relation to the playback of recorded programs, at this time.
- The ACMA should adopt a parental lock standard compliance regime that is complaint-driven, with no associated compliance labelling or record keeping obligations.
- Assuming that the parental lock standard will not be applied to the playback of recorded programs, the standard should commence no earlier than 12 to 24 months from the date of the ACMA's determination of the standard.

RESPONSE TO THE DISCUSSION PAPER

Onus on broadcaster to provide accurate 'now and next' data

The discussion paper correctly states that the effective operation of parental lock relies on the provision of accurate information about program start times and classifications in the present/following field¹ (sometimes referred to as the now/next field) of the electronic program guides (EPG) transmitted by digital television broadcasters.

ADSIF is concerned that suppliers and retailers will have an ACMA imposed mandatory technical standard with penalties for non-compliance being enforced under the Trades Practices Act. Meanwhile the broadcasters transmitting the program start times and classifications, are not required by regulation, an enforceable standard or even a code of practice to comply.

The transmission of program start times and classifications in the DVB Event Information Table (EIT) is not mandatory. The discussion paper highlights that ACMA is relying on broadcasters to conform to:

1. Free TV Operational Practice OP-44 (which is not mandatory and can be unilaterally changed by Free TV Australia) and
2. ACMA published electronics program guide principles (which provide a performance benchmark but are also not enforceable).

The ACMA EPG principles were published on 2 June 2009. While broadcasters have generally complied with Principle 1 (*Each broadcaster should provide EPG data that is freely available*), ADSIF has expressed its concern to the ACMA that there has not been consistent compliance by all broadcasters with Principle 2 (*Broadcast EPG data should provide critical information*).

Principle 2 specifies that critical information² should be updated in accordance with the requirements specified in OP-44 and include:

¹ Present/following information is supplied by broadcasters as a field in the event information table section of the service information data provided as part of a DVB-T broadcast. A detailed description of the present/following field is available in the FreeTV Australia operational procedure document OP-44 *Implementation Guide for DVB EIT present/following Information (EIT p/f)*.

² Critical information is that information described in the Free TV Operational Practice OP-44 *Implementation Guide for DVB EIT present/following information (EIT p/f) (Issue 4, 2009)*

- Accurate information about the present and following programs being aired (including starting times);
- Minimum of seven days of schedule information; and
- Accurate and useful parental guidance rating information in accordance with the Australian Standards

ACMA has been providing reports on broadcaster performance, with the performance parameters being

- the number and type of EPG related consumer complaints received by ACMA;
- any changes to the Free TV operational practices; and
- EPG data transmitted by broadcasters across various regions, at various times.

In December 2009, ADSIF provided ACMA with screen shots illustrating the non-correlation between the program broadcast and the EPG data describing the program.

ADSIF submits that the responsibility for the effective operation of the parental lock feature to be balanced between transmission and reception. The ACMA is to impose a far greater responsibility (and potential penalties) on the supplier to ensure compliant reception equipment than the ACMA imposes on the broadcaster to ensure accurate EPG data.

To ensure the effective operation of parental lock, the ACMA should:

1. Request that Free TV Australia develop an industry code relating to industry activities under s130N. Alternatively, under s130R, the ACMA to determine an industry standard for commercial and national broadcasters.
2. Ensure that broadcasters maintain a recording of all broadcast streams (with EPG data) to enable suppliers to respond to any enforcement actions under the Trades Practices Act by the ACMA or the Australian Competition and Consumer Commission.

Standard to be applied to all domestic digital TV reception equipment

ADSIF agrees that, to fulfil the Government's intention for mandating a parental lock effectively, the parental lock standard should apply to domestic reception equipment

as broadly and consistently as practicable.

ADSIF members have raised the concern about the use of COFDM to PAL converters as components of Master Antenna TV systems in hotels, motels, hospitals and some residential apartment buildings. These converters do not distribute the parental lock data to the TVs. There may need to be some consumer advice provided to building managers and residents of these buildings, as the parental lock function of their TVs will not be available.

Standard should not be applied to the playback of recorded programs

The ACMA has advised that it intends that the parental lock standard will require the capability to restrict a person from viewing programs that are recorded using the equipment for viewing at a later time.

The ACMA proposes to make a requirement that recording equipment must record all elements of the DVB-T service information necessary to enable the operation of parental lock in relation to the playback of the recorded program. The ACMA advises that the objective of this requirement is to “ensure the recorded program will contain all of the information necessary to enable the capability to function in relation to the recorded program.”

While ADSIF supports the technical standard being applied to all domestic digital TV receiving equipment, including PVRs and DVRs, ADSIF does not support the mandated parental lock function being applied to the recorded programs on those devices for the following reasons:

1. Recording devices that have parental lock do not necessarily record all elements of the DVB-T service information necessary to enable the operation of parental lock in relation to the playback of the recorded program;
2. Even if the recorded program contains all of the program lock information, the playback function does not necessarily reference that information prior to playing the recorded program. As some programs, such as news and current affairs, may not necessarily be classified, there are potential anomalies for recording devices referencing program lock information.
3. Continuous recording generally only uses the first classification from the first program recorded. That is, if a consumer uses a start and finish time to record multiple programs, this stream would be given one file name from the first

program in the stream, and would use the classification (parental rating) from that first program and apply it to the whole file.

4. There could be a restriction consumer's ability to put a recording time 'buffer' at the commencement and at the end of programs recorded to ensure the complete recording of a program, rather than rely on the broadcaster now/next data. Such a restriction may result in the viewer disabling the parental lock function on all programming, live and recorded.

The recording function within devices is a complex issue with varied implementations across different manufacturers' products. ADSIF submits that any consideration of the application of the parental lock function to recorded programs should be treated separately from the application of the technical standard to domestic digital TV reception equipment used for watching currently broadcast programs.

ACMA should adopt a compliance regime that is complaint driven

ADSIF agrees with the ACMA's proposal to adopt a complaint-driven approach to compliance with no associated compliance labelling or record keeping obligations (so called Option B). ADSIF agrees that Option B would limit the imposition on industry resources.

As set out in the discussion paper, the ACMA would 'take action in relation to compliance with the parental lock standard (e.g. undertake an investigation that may lead to the application of enforcement action) only in response to complaints about non-compliance'.

ADSIF does have continuing concerns that consumer complaints to the ACMA about a particular product may be due to lack of accuracy with the data being broadcast rather than due to any fault with the reception equipment. The ACMA needs to set out how complaints about a particular product will be addressed and what processes the ACMA will require to assess whether the fault lay with that particular product or the accuracy of the broadcaster EPG data.

Commencement of the standard

The discussion paper correctly states that in implementing regulations for equipment suppliers a period of between 12 to 24 months is often needed to enable affected industry participants to perform the types of tasks described above. The proposal to

drastically reduce that regulation implementation period to just six months from the date of determination of the standard, appears to be based on two arguments:

1. The significant consumer benefit associated with the parental lock standard;
and
2. The ACMA's understanding that the large majority [but not all] of equipment supplied to the market has or will soon have parental lock capability.

ADSIF submits that a six month regulation implementation period is unreasonable and may create an unintentional cost for the supplier industry. ADSIF submits that there is no valid reason to shorten the usual regulation implementation period of between 12 to 24 months from the date the standard is determined.

ADSIF argues for maintaining a normal regulation implementation period of 12 to 24 months as a shortened implementation period:

1. Would unfairly penalise those suppliers (albeit a minority) that have not yet applied parental lock capability, noting that parental lock is not a required feature in the Australian receiver standard (AS4933).
2. Does not allow time for the new technical standard to be communicated to overseas factories ensuring that all new models are compliant and the feature is incorporated into future designs.
3. Does not allow adequate time to expend equipment stocks that are compliant with the Australian Standard AS4933 but may not comply with the new standard. It is noted that the technical standard would apply to the date the product is sold by a retailer to a customer and ADSIF members have little control over the date that a retailer sells a supplier's product to a consumer.
4. Retailers may require suppliers to buy back unsold product that may have been imported and distributed prior to the determination of the standard, but for some reason the retailer has not been able to sell within the shortened implementation period.

ADSIF submits that the new technical standard should have an implementation period of between 12 to 24 months from the date of determination by the ACMA.

About Ai Group

The Australian Industry Group (Ai Group) is a leading industry association in Australia. Ai Group member businesses employ around 750,000 staff in an expanding range of industry sectors including: manufacturing; engineering; construction; automotive; food; transport; information technology; telecommunications; call centres; labour hire; printing; defence; mining equipment and supplies; airlines; and other related service industries.

Australian Digital Suppliers Industry Forum

The Australian Digital Suppliers Industry Forum (ADSIF) responds to needs from the suppliers of digital television and radio products for a more coordinated approach in addressing the planning and implementation issues related to digital television and radio in Australia.

Membership ranges from the major global manufacturers to small Australian-based suppliers of digital broadcasting products and services.

ADSIF objectives are to:

- (i) provide a powerful voice for manufacturers and suppliers of digital products to government and broadcasters on issues relating to digital broadcasting in Australia; and
- (ii) coordinate industry/government programs that promote the uptake of digital broadcasting services.

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