

Explanatory Statement

AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY (DEVELOPMENT OF TECHNICAL STANDARDS FOR DOMESTIC TELEVISION RECEPTION EQUIPMENT) DIRECTION NO. 1 OF 2009

**Issued by the authority of the Minister for Broadband, Communications and the
Digital Economy**

Purpose

This Direction requires the Australian Communications and Media Authority (the ACMA) to determine a technical standard which ensures that domestic reception equipment used for receiving digital television broadcasting or datacasting services have a parental lock capability. As part of this process this Direction requires the ACMA to consider whether to exempt any particular class of domestic reception equipment, whether to request an industry code for electronic program guides and whether to request an industry code that deals with domestic reception equipment labelling schemes.

Background

It is the Australian Government's intention that, together with the classification of television content already in place under the *Commercial Television Industry Code of Practice 2004*, mandating parental locks in digital television receivers will further protect children from viewing material which may be inappropriate or harmful and support parents and guardians in protecting their children from such content. The Government considers this an important objective as Australia moves towards a digital-only television environment and the amount of content and channels available to viewers increases.

Subsection 14(1) of the *Australian Communications and Media Authority Act 2005* enables the Minister to give the ACMA directions of a general nature about the performance of its broadcasting-related functions or the exercise of its broadcasting-related powers. This direction relates to the ACMA's power to determine a technical standard for domestic digital reception equipment under subsection 130B(1) of the *Broadcasting Services Act 1992* (the Act).

Notes on Clauses

Clause 1 provides for the title of the Direction.

Clause 2 provides that the Direction will be registered on the Federal Register of Legislative Instruments, and will take effect the day after it is registered.

Clause 3 defines the terms used throughout the Direction. One of the key terms used in the direction is *domestic reception equipment*. This term has the same meaning as

domestic digital television receiver defined by section 5 of the *Radiocommunications Act 1992*. The characteristics of a *domestic digital television receiver* are:

- a) it is not a hand-held device;
- b) it is capable of receiving television programs transmitted in standard definition or high definition digital modes; and
- c) it only operates if connected to an electricity supply system. That is, it is not a battery-powered device.

This definition includes reception equipment such as set-top boxes, integrated digital televisions and personal video recorders that rely on mains power supply to work. This definition does not include mobile reception equipment that is contained in laptop computers or motor vehicles.

Another key term defined in the direction is the concept of *supply*. This term is used in section 130B of the Act and has the same meaning as in the *Trade Practices Act 1974*. Accordingly, the technical standard to be developed by the ACMA will be of broad application as *supply* covers any person who sells, exchanges, leases or hires goods (ie, reception equipment) in a supply chain.

Clause 4 requires the ACMA to exercise its power under subsection 130B(1) of the Act to determine technical standards to ensure that domestic reception equipment used for receiving digital television broadcasting services or datacasting services have parental lock capabilities.

Clause 5 requires the ACMA to consider, in determining a technical standard:

- whether to exempt any particular class of domestic reception equipment from the standard;
- whether to request an industry code for electronic program guides be developed under Part 9B of the Act; and
- whether to request an industry code under Part 9B of the Act which deals with domestic reception equipment labelling schemes.

The Minister intends the ACMA to consider whether particular non-portable television reception devices, such as video game consoles, should be excluded from the technical standard. The Minister also intends the ACMA to consider whether other adjustments to the overall regulatory framework are warranted to achieve the policy objective set out in this direction.

Consultation

In accordance with section 17 of the *Legislative Instruments Act 2003*, the Minister, through the Department of Broadband, Communications and the Digital Economy, has consulted with the ACMA about the proposed regulatory activity and the proposed direction. When developing technical standards pursuant to this direction, the ACMA will need to conduct appropriate consultation in accordance with the *Legislative Instruments Act 2003*.