

4 April 2010

The Australian Communications and Media Authority
PO Box 13112, Law Courts
MELBOURNE VIC 8010

By email: DigitalTV.Consumer&ResearchSection@acma.gov.au

Dear Sir or Madam

Re: Mandating parental lock capability in domestic reception equipment – determination of a technical standard under Part 9A of the *Broadcasting Services Act 1992*.

ASTRA welcomes the opportunity to comment on the Australian Communications and Media Authority's (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*' (BSA) (the Paper).

ASTRA is the peak industry body for subscription television in Australia. ASTRA's membership includes the major subscription television operators, as well as channels that provide programming to these platforms.

ASTRA is committed to the Government's position to ensure that domestic reception equipment used for receiving digital television broadcasting or datacasting services has a parental lock capability.

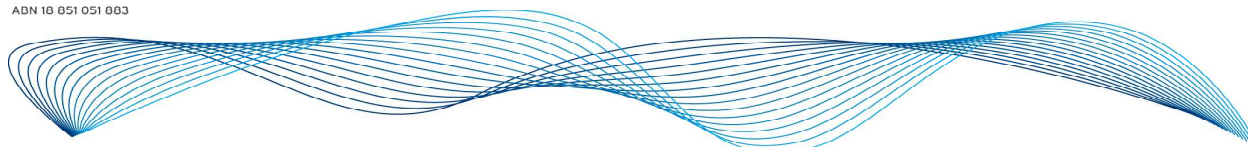
The Technical Standard does not apply to Cable and Satellite Digital Television Receivers

ASTRA is of the view that the technical standard should not apply to cable and satellite digital television receivers and/or services for the following reasons:

- (a) **the ACMA can only determine technical standards for equipment capable of receiving services transmitted using the broadcasting services bands**

The ACMA's powers are limited to determining technical standards using the Broadcasting Services Bands. That is, under Part 9A of the BSA relate to determining "*technical standards that relate to domestic reception equipment that is capable of receiving television broadcasting services... transmitted in digital mode using the broadcasting services bands.*"

Therefore, ASTRA would welcome explicit clarification that television broadcasting services transmitted in digital mode as part of a subscription television service over other technologies such as



cable, satellite and IP – re-transmission through subscription television set top boxes - will not be subject to the Standard.

(b) there is no demonstrated durable market failure

There is no public policy justification for regulation of cable and satellite digital television receivers. According to the Paper, parental lock capability will mean “*a technical capability that alone, or in conjunction with any other capability on reception equipment restricts a person from viewing a television program of a particular classification unless the correct personal identification number is entered first*”.

The subscription television industry has had a highly effective parental lock system in place for all its boxes for a number of years.

FOXTEL introduced a parental control as part of its analogue cable service in 1995 and as part of its digital satellite service in 1999. FOXTEL’s current parental lock system has been in place since the launch of its digital boxes in 2004. FOXTEL’s PIN protection function enables viewers (parents) to block channels and set adult filters and viewing restrictions. Viewing restrictions enable viewers to select the parental rating category they wish to restrict (from G, PG, M, MA and R) requiring PIN activation at whatever level the viewer has selected. Similar functionality allows viewers to restrict any channel without PIN authorisation.

In addition, FOXTEL has a remote control - the ‘Mini Mote’ - specifically designed for children. The ‘Mini Mote’ provides an additional tool for parents to manage their children’s television viewing through restricted channel availability. The ‘Mini Mote’ features eight pre-programmed buttons that link directly to children’s channels. Two extra buttons exist for parents to program other channels they may wish to enable their children to view.

AUSTAR launched its digital boxes in 1998 and has provided parental lock functionality to its subscribers for approximately 10 years. Its parental lock system enables programs to be blocked based on their censorship ratings, and enables information relating to Adults Only titles to be blocked from display. AUSTAR is currently working on the implementation of channel blocking as an additional feature of its parental lock system.

Subscription television platforms including FOXTEL and AUSTAR have invested heavily in technology that enables consumer control, such as the parental lock capability, as well as other innovations that deliver unique capabilities to viewers.

4. Class or Classes of Equipment to be Exempt from the Standard

(a) Cable and Satellite Digital Television Receivers

If it is the view of the ACMA that subscription television set top boxes will be captured by the Standard, ASTRA requests that cable and satellite digital television receivers are explicitly exempted from the Standard as a class of equipment for the reasons outlined above.

(b) Hybrid Subscription Television Set Top Boxes (with free-to-air tuners)

ASTRA submits that hybrid subscription set top boxes with free-to-air tuners supplied as part of a

satellite subscription service – as is the case with AUSTAR's MyStar box - should also be exempted from the Standard. In this case, AUSTAR already provides functionality for parents to restrict children's viewing and therefore meets the definition of parental lock as defined by the Paper.

If this exemption is not granted in either scenario above then ASTRA submits that the Standard must be redrafted in such a way as to not mandate the technical requirements to achieve parental lock capability. That is, the Standard should be drafted in a flexible way to allow technology neutrality. The aim of the Standard should be to mandate parental lock capability, not prescribe the way in which it is met.

I look forward to receiving clarification from the ACMA on this issue. If you would like to discuss, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink that reads "Petra Buchanan". The signature is written in a cursive, flowing style.

Petra Buchanan
Chief Executive Officer
ASTRA