

*Broadcasting:
Turning Audiences into Consumers*

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Broadcasting issues

- emerging consumer issues in digital broadcasting, such as new services and contracts in pay television, digital TV rollout
- organizations addressing consumer issues in broadcasting, issues not being addressed, ACCAN's possible role
- future trends in broadcasting and implications for regulation and policy for consumer protection and disadvantaged consumers

Identifying future consumer issues

- compendium of issues about TV and radio services that are currently covered by legislation, co-regulation and self-regulation
- complaints data - issues TV and radio audiences complain about and where broadcasters fall short of the standards set for them or which they set for themselves
- case study of a new service blending broadcasting and telecoms - terms and conditions set for the video download services now offered by all free-to-air television broadcasters –
 - whether and how these ‘broadcaster’ issues are addressed under telecoms regulation and industry practice

Context

- converged telecoms, radiocomms and broadcasting regulator since 2005, ACMA
- experience with self-regulatory or co-regulatory models pioneered in early 1990s BSA and TA
- reassertion of the state's role in communications policy, through funding a wholesale-only NBN, proposed structural changes to Telstra and digital TV switchover
- Productivity Commission's 2008 recommendation for 'more integrated complaint arrangements', including possible 'single consumer entry point for comms services complaints'

Turning audiences into
consumers ...

1. Current regulation

- Advertising
- Programs
- Accessibility
- Relationships with audiences
- Technical, legal and financial matters

2. What do broadcast audiences complain [to ACMA/ABA] about?

	03/04	04/05	05/06	06/07	07/08
Complaints received			737	886	793
Investigs completed	106	153	142	136	136
Breach findings	27	59	34	45	47
Non-breach findings			100	86	84
Complaints withdrawn			8	5	5

Breach findings: commercial TV

Issue	05/06	06/07	07/08
Ads in C or P time			2
Captioning	1		1
Classification, consumer advice	7	4	6
Complaints handling	4	3	14
Depiction of suicide			1
Elections ads during blackout			1
Fair & accurate representation	2	5	8
Invasion of privacy			1
Material relating to children			1

Breach findings: commercial radio

Issue	05/06	06/07	07/08
Classification, consumer advice	1		
Complaints handling	2	2	2
Discl of relationship between announcer and third party			1
Fair & accurate representation		3	
Inappropriate language		1	
Tobacco advertising		1	
Vilification, inciting violence		3	

3. TV broadcasters' VOD services

- Registration
- Privacy of personal information
- Technical requirements for use
- What the applications *don't* do
- Programs available
- Age verification
- Metering of content streamed or downloaded
- Help and complaints

	HIRO (Nine)	iView (ABC)	Yahoo 7 (Seven)	Ten	SBS Video Player
Registration	Registered users 'enjoy a greater level of personalization'		Registration provides access to social networking features and email.	Registration provides access to social networking features and competitions.	
Privacy of personal information	Does not give out any detail or information relating to anyone of its users to anyone else.'		'Yahoo!7 will not sell or rent your personally identifiable information to anyone.'	'At Network Ten we conduct our operations in accordance with the National Privacy Principles.' ' We are also committed to high standards of privacy protection in our journalism through our adherence to the Commercial Television Industry's Code of Practice.'	
Technical requirements for use	Minimum bandwidth of 512kb/s.	Streams at 650kb/s and recommends bandwidth of at least 1.1 Mbps.	Requires bandwidth of at least 128kb/s.	'Requires very high bandwidth'.	Requires bandwidth of at least 128kb/s, best with minimum of 256kb/s.
Programs available	Selected broadcast programs	Selected broadcast programs	Selected broadcast programs	Selected broadcast programs	Selected broadcast programs
Age verification	Will not play restricted videos to young audiences		Under 18s barred from viewing adult content.		
Content metering		Arrangements with some ISPs			
Help and complaints	FAQ available, although not linked to video pages	FAQ available	Help page available	Little information available on website other than some technical details.	Little information available on website other than some technical details.

Registration

Encouragement, not compulsion

Privacy

Old issue, new for free-to-air broadcasters

Technical requirements for use

ACMA technical standards powers

Digital TV switchover

Limits on functionality

What content is available?

For how long?

What can consumers do with it?

Emerging, expanding expectations

Age verification

Old issue, new challenges, young laws

Content metering

Publicly-funded television
meets
publicly-funded NBN

Help and complaints

Whose standards?

Broadcasting?

Telecoms?

Conclusion: themes

- Perceived social and cultural significance of broadcasting means a lot of special laws and regulation apply to it.
 - Are radio and TV becoming less special? Or are their special qualities shared or even exaggerated by emerging media forms that bring audiovisual content and communications closer to individuals?
- Lack of direct customer relationship between free-to-air broadcasters and their audiences means equipment manufacturers, retailers, installers, regulators and especially government, rather than broadcasters, have been responsible for some issues that matter to broadcasting consumers.
 - Will this emphasis shift as broadcasters are forced closer to their audiences/consumers?