

Devices that need to comply with the TV prominence framework Guidelines for manufacturers

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TV prominence framework guidelines

The TV prominence framework supports the availability of free-to-air television services and apps on regulated television devices. It allows audiences in Australia to easily locate and access free-to-air TV services by establishing minimum requirements on TV manufacturers to ensure these services are sufficiently prominent and visible on regulated television devices.

Section 130ZZM of the [Broadcasting Services Act 1992](#) (the BSA) provides that the Australian Communications and Media Authority (the ACMA) may issue guidelines to assist in determining whether particular kinds of domestic reception equipment are regulated television devices under Part 9E of the BSA (the TV prominence framework).

These guidelines:

- assist manufacturers to determine what devices will need to comply with Australia's TV prominence requirements
- outline the criteria that the ACMA will use to determine whether a device is caught by the TV prominence framework, once the framework comes into effect in January 2026.

Manufacturers and other entities that may be subject to the TV prominence framework should seek their own legal advice about their obligations under the BSA and related regulations.

These guidelines will be updated as needed to incorporate findings of research, address matters surfaced through compliance assessments and reflect the evolution of devices.

The ACMA's role

The ACMA is responsible for the implementation and administration of the TV prominence framework, which was inserted into the BSA in July 2024. Details clarifying the minimum prominence requirements were finalised in December 2024 with the making of the [Broadcasting Services \(Minimum Prominence Requirements\) Regulations 2024](#).

In the ACMA's [consultation outcomes report](#), published in December 2024, we committed to developing standalone guidelines to reflect the criteria outlined in the report for determining whether a device is a regulated television device. These guidelines have been informed by public submissions to the ACMA's 2024 consultation on implementing TV prominence rules, and ongoing discussions with key stakeholders.

The framework commences on **10 January 2026** and will apply to devices manufactured and supplied on or after that date.

More information

Visit: acma.gov.au/australias-tv-prominence-framework

Email: camr@acma.gov.au

Defining a regulated television device

To be caught by the prominence framework, devices must satisfy the following definition under the BSA for a regulated television device.

Section 130ZZI – Regulated television devices

Meaning of regulated television device

- (1) For the purposes of this Part, a *regulated television device* means:
- (a) domestic reception equipment that:
 - (i) is capable of connecting to the internet and providing access to broadcasting video on demand services; and
 - (ii) is designed for the primary purpose of facilitating the viewing of audiovisual content; or
 - (b) specified domestic reception equipment that the ACMA determines, under subsection (2), is a regulated television device; but does not include specified domestic reception equipment that the ACMA determines, under subsection (3), is not a regulated television device.

Devices must be considered ‘domestic reception equipment’ **and** meet both of the tests in the definition – (i) and (ii) – to be considered within scope of the prominence framework.

The ACMA can also determine that specified domestic reception equipment is – or is not – a regulated television device and can make a legislative instrument to reflect this. The ACMA has not yet exercised this power. Manufacturers should always refer to such instruments to ensure that a specific device has not been explicitly added, or removed from, the TV prominence scheme.

Guidance on key elements of the definition

Domestic reception equipment

‘Domestic reception equipment’ is not defined in the BSA. We consider it to be: *equipment that is designed for home or residential use and necessary to receive a regulated television service*.

On this basis, a smart television or TV-like device supplied directly to a commercial end-user, marketed for commercial use and not made available in retail stores, would likely fall outside scope of the scheme. However, a consumer-grade smart TV would likely be considered domestic reception equipment even if used in a business setting, such as a hotel.¹

Devices are not required to have a broadcast receiver to fall under the prominence framework. Devices with internet connectivity alone, or with both internet and broadcast connectivity, may be considered ‘domestic reception equipment’. However, minimum prominence requirements may differ depending on the types of services able to be received.

¹ However, a regulated television device that has been adapted or customised to suit business or operational needs (for example, installing a bespoke hotel TV interface) would not be expected to continue to fall under the prominence rules if the business adaptation is similar to that of a consumer customising their smart TV home screen (or taking another action resulting in the device no longer being compliant), in accordance with subparagraph 130ZZN(2)(b)(i) of the BSA.

Capable of providing access to BVOD services

For devices to meet the definition of a regulated television device, they must first be *capable of connecting to the internet*. A traditional television device with no internet connectivity would be excluded from the framework.

The first test of the definition also requires that devices are capable of providing access to broadcasting video on demand (BVOD) services – the streaming services of Australian free-to-air TV broadcasters.² A device that can provide access to BVOD services (whether or not it already does so) would meet the definition. Devices that have pre-installed streaming or video-on-demand apps and/or the ability to connect to an app store to download and install streaming or video-on-demand apps would generally be considered ‘capable’ of providing access to BVOD services.

We note that the prominence framework, as established in legislation, is based on the ‘must carry’ principle. Under the framework, it is necessary that devices are capable of providing access to BVODs because a manufacturer is required to carry a regulated television service’s app that it is offered, subject to the app meeting the relevant manufacturer’s technical and offer-related specifications. If a device is capable of providing access to BVOD service, but a regulated television service has not offered a BVOD service to the device manufacturer, the device is *still considered a regulated television device* under the framework. This means the device must follow the prominence rules for all other regulated television services that have been offered. There may also be regulated television devices for which no regulated television services have been offered.

Primary purpose of viewing audiovisual content

The second part of the definition requires that devices are designed for the ‘primary purpose’ of facilitating viewing audiovisual content. Devices with multiple uses would meet this definition if watching audiovisual content is the main reason for which the devices have been designed.

Applying this test will be relatively straightforward for devices where the clear and fundamental function of the device is viewing audiovisual content (for example, smart TVs and streaming boxes). Devices that are explicitly designed for activities unrelated to watching content – such as mobile phones and gaming consoles – have an alternative primary purpose and will not be required to meet the framework rules.

Individual use is not ordinarily a relevant consideration when applying this test. For example, if someone purchases a gaming console purely to stream audiovisual content, this does not override the fact the device has been primarily designed for gaming purposes.

If the primary purpose of a device is not self-evident, manufacturers need to carefully consider the factors informing a ‘primary purpose’ assessment discussed in the next section.

² Section 130ZZK of the BSA defines a broadcasting video on demand service, for the purpose of the prominence framework, as a service that: (a) makes audiovisual content available on demand using a listed carriage service; and (b) is made available free to the general public.

Factors informing the primary purpose

To decide whether a device's 'primary purpose' is to facilitate viewing audiovisual content, we consider 4 aspects:

1. hardware and form factor
2. software and user experience
3. marketing and promotional material
4. supplementary evidence.

No one factor is determinative, and the factors are not individually weighted. The relative importance of particular factors will depend on the specifics of each case, including the individual features of a device.

While the identified factors are helpful to assess device eligibility, they are not static nor exhaustive and will likely evolve over time. We will consider any matter relevant to a device's primary purpose when assessing compliance with the prominence requirements.

1. Hardware and form factor

Manufacturers should consider a device's hardware and general form factor, including screen size, screen resolution, types of inputs, connectivity with other devices, bundled peripherals, and the size and portability of the device. Hardware features that are geared towards enhancing a user's viewing experience or suggest a level of substitutability with a traditional television, will indicate that the device has been designed primarily for viewing audiovisual content.



Example 1: hardware features

Manufacturer A supplies a smart projector device. It features 4K UHD resolution with a projected image screen size of between 65" to 300" and 3,000 lumens of peak brightness. The device automatically sets the size and focus of the projected image, supports both Dolby Vision and IMAX enhanced video content and includes an AI 4K upscaler to enhance the visual quality of lower resolution video content. It comes with built-in 2.1 channel speaker system and its own handheld remote control with shortcut buttons for accessing popular video-on-demand streaming services.

This would need to be weighed against other hardware features, such as the device's portability, ability to use as a Bluetooth speaker, and its optimisation for other functions such as gaming.

An assessment of the projector's hardware features, including resolution, screen size and the included remote, indicate that the device's primary purpose is, on balance, likely to be viewing audiovisual content.

2. Software and user experience

Manufacturers need to consider the design of the device's user experience, including the presentation of the primary user interface, how users navigate the operating system to access relevant device features, what content is pre-installed and the user's ease of access to audiovisual content. Devices that use existing smart TV operating systems, or closely mirror smart TV interfaces and user experiences, will typically be regarded as designed for the primary purpose of viewing audiovisual content.



Example 2: user experience

Manufacturer B supplies a smart monitor device. When first powered on, the device defaults to a smart TV home screen, featuring a 'hero banner' of sponsored content, a row of pre-installed apps for streaming services, and rows of trending and recommended streaming content.

The software and user experience would need to be weighed against any features that mirror those of a traditional computer, such as word processing and cloud gaming features, and how prominently these are featured on the home or menu screen.

As the device facilitates seamless and simple access to audiovisual content, similar to a smart TV device, the software and design of the user experience indicates that the device's primary purpose is viewing audiovisual content.

3. Marketing and promotional material

Manufacturers should consider how the manufacturer and retailers describe the device in external-facing marketing, promotional and advertising material. It includes descriptions of the device's technical specification, benefits and advantages over other devices, and the promotion of particular features or uses. A strong focus in marketing materials on access to smart TV features or streaming apps would indicate that the primary purpose of the device is to view audiovisual content.



Example 3: promotional materials

Manufacturer C supplies a smart personal video recording (PVR) device. The device's promotional material states that you will 'never miss an entertaining moment'. It highlights the device's 4K picture quality, access to a wide variety of online content, the ability to pause and rewind live TV, and simultaneously record a live TV program while watching streamed content.

The manufacturer's marketing material emphasises the features of the device that deliver a superior viewing experience. The promotional material's depictions of TV screens, TV programming and streaming content, together with information about how the device helps users to maximise the amount of content they can watch (both live and streamed), indicates that the device's primary purpose is the viewing of audiovisual content.

The inclusion of other information in the marketing material about the large hard drive storage capacity, or innovative recording and playback functions, would need to be considered as part of the assessment.

On balance, the assessment indicates that the device's primary purpose is to view audiovisual content.

4. Supplementary evidence

If the primary purpose can't be determined from the hardware features, software and user experience or the device marketing, supplementary evidence may be used. This may include information about household penetration, purchasing intent or consumer usage data, which may be surfaced through our research and monitoring activities, publicly available or provided by device manufacturers themselves.³



Example 4: other evidence

Manufacturer D supplies an augmented reality smart headset device. The device has an onboard computer with internet connectivity and is designed to be used as a standalone (untethered) device. The device's user interface features a range of apps including productivity tools, internet browsing, photos, gaming and other interactive immersive features. Apps for streaming services can be easily downloaded through the device app store. The device is operated using hand movements and projects the user interface over the user's field of vision.

The hardware, user experience and marketing material considerations support the view that the device facilitates viewing audiovisual content. However, the same considerations indicate that the device is designed for viewing a range of immersive multimedia features (for example, gaming and video and photo editing) and doesn't preference TV or TV-like programming, or mirror TV-style user interfaces.

As the primary purpose is unclear, supplementary evidence may be considered. Consumer usage data indicates that most people use the device for gaming and productivity (substantiated by information provided by the manufacturer about purchasing intent), so the assessment may conclude that watching audiovisual content is not the primary purpose of the device.

³ The ACMA's treatment of comparable devices may also be a relevant consideration as the ACMA's prominence-related compliance activities will contribute to a deeper understanding of what are regulated television devices over time.