

**Submission by  
Regional Broadcasting Australia**

Department of Broadband, Communications and  
the Digital Economy

Legislative framework for implementing a digital  
television switchover timetable

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**4 July 2008**

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## Legislative framework for implementing a digital television switchover timetable

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### 1. INTRODUCTION

- 1.1 Regional Broadcasting Australia (**'RBA'**) represents the interests of Australia's regional and remote area broadcast licence holders.
- 1.2 RBA welcomes this opportunity to share the thoughts and views of its members on digital switchover.
- 1.3 Regional and remote area broadcast licence holders are among the stakeholders most exposed to, and with most invested in, the decisions to be made by Government in the period between now and the stated 'end-game' for analogue switchoff in 2013.
- 1.4 RBA strongly supports a cooperative approach, with Government, to establishing the framework and final switchover schedule for the transition of free-to-air terrestrial television broadcasting from analogue to digital.
- 1.5 RBA strongly supports the broad principle that all critical decisions relating to digital switchover ought to be predicated on a fundamental position of best outcome for consumers – the viewing public.
- 1.6 RBA acknowledges substantial improvements in the levels of 'digital uptake' in the community are required before analogue switchoff can reasonably be described as a best outcome for consumers.

- 1.7 Extension of simulcasting periods will expose regional and remote broadcast licence holders to substantial additional and unfunded costs to maintain aging transmission equipment and to support and operate duplicated (analogue and digital) transmission chain facilities.
- 1.8 This submission seeks to address specific issues relating to the legislative framework which will define our nation's progress to digital switchoff.
- 1.9 RBA does not at this time intend to make detailed submissions as to the development and implementation of a digital switchover timetable, on the basis that those are discussions properly to be had at a later date, once the legislative framework is in place.

## **2. AMENDING THE CURRENT LEGISLATIVE FRAMEWORK**

### **Shortening the duration of the simulcast period**

- 2.1. RBA strongly supports amendment of the BSA to allow for the simulcast period to be shortened by regulation, in a manner similar to the current provisions allowing extension of the simulcast period.
- 2.2. Regional and remote broadcast licence holders carry a disproportionate cost burden in continuing simulcasting, particularly in the event simulcasting extends beyond the long-planned end dates in 2011.
- 2.3. Regional and remote broadcast licence holders also face a disproportionately large burden technically, financially, and in viewer impact during the switchover period.
- 2.4. It is vital for regional and remote broadcast licence holders, and for our viewers, that sufficient flexibility be built into the legislative framework to allow an orderly, rational transition to digital on a timetable that will provide best outcomes for consumers and is manageable for broadcasters dealing with scores and even hundreds of broadcast transmitter sites.

### **Using geographical areas other than licence areas**

- 2.5. RBA strongly supports amendment of the BSA to allow for the end of the simulcast period to be determined on the basis of geographical areas other than licence areas.
- 2.6. As outlined above, it is vital in the interests of providing for an orderly and rational transition to digital that the switchover schedule not be fettered by fundamentally arbitrary delineators such as licence area boundaries.
- 2.7. By way of illustration, television consumers live in communities of shared interest defined not by licence area boundaries but by State boundaries.
- 2.8. RBA submits the legislative framework in this regard ought to be as open as possible, in order that the deliberations leading to the final switchover schedule might canvass as wide as possible a range of options.

### **Choice of mechanisms for setting a digital switchover timetable**

- 2.9. RBA acknowledges that a switchover timetable set in legislation does afford a high degree of certainty and structure for consumers, for broadcasters, and for regulators.
- 2.10. However, RBA submits setting the timetable in legislation takes away the flexibility that is vital to achieve an orderly, rational switchover process, particularly in regional and remote broadcast areas which, as noted above, face a disproportionately large switchover burden.
- 2.11. RBA submits that the most practical and effective legislative framework is one which provides for a timetable to be set by legislative instrument.
- 2.12. Specifically, RBA supports a framework which provides for a timetable set by the Minister by written determination.

**Other provisions affected by changes to the duration of the simulcast period**

- 2.13. A number of other provisions are presently linked to the end of the simulcast period.
- 2.14. On the basis that the end of the simulcast period is now highly likely to be spread in time and geography, it is RBA's position that it is impractical, and even unsustainable, to maintain the link between those various provisions and the simulcast period at all.
- 2.15. HD multichannelling is presently in its infancy, and SD multichannelling will likely be in its early formative period within the time-frame contemplated for digital switchover.
- 2.16. At this early stage, none of us can reasonably predict the final form multichannel broadcasting will take, given that it will be driven by market conditions, in markets not yet defined.
- 2.17. RBA submits that the appropriate time to consider the future of the present exemptions from Australian and children's program standards and captioning requirements ought to be as the digital television environment matures, well after the end of the switchover period, when Australia's television consumers are well established in the digital environment.
- 2.18. The timing of such a review could reasonably be set as a part of the statutory reviews of these various provisions contemplated in the BSA.
- 2.19. Similarly, in our submission, no 'return of spectrum' considerations ought to be entertained prior to the final completion of digital switchover.
- 2.20. Clearly, assuming a 'staggered switchover', analogue broadcast spectrum will be 'vacated' as analogue transmitters are progressively decommissioned. However, RBA takes the view that no return of spectrum ought to be contemplated until after the final switchover, to allow for potential adjustments and technical 'fine-tuning' that may be required based on consumer needs and any switchover issues not yet experienced.

- 2.21. A phased digital switchover also impacts on HD quotas, due to end with the end of the simulcast period.
- 2.22. As with other provisions above, it is impractical to retain HD quotas in some areas, while ending them in others, based on a phased switchover.
- 2.23. In RBA's submission, HD quotas have to all intents and purposes outlived their usefulness. With the advent of HD multichannels, and increasing levels of HD programming coming on-stream, RBA submits the quotas serve no further purpose.
- 2.24. In the interests of easing the regulatory reporting burden, during a period of greatly increased administrative loads for regional and remote broadcast licence holders heading towards switchover, RBA submits it would be reasonable to simply end the HD quota requirement for all areas with immediate effect.
- 2.25. As with provisions above, the nexus between the end of the simulcast period and the restriction on the number of allowed multichannels also must be broken in order to provide for phased digital switchover.
- 2.26. RBA submits the simplest and most effective adjustment would be to remove the multichannel restriction in conjunction with the triggering of the present provisions under the BSA for a single SD multichannel from 1 January 2009.
- 2.27. RBA submits any and all provisions relating to the timing of analogue switchoff must be constructed so as to apply equally to all broadcasters, whether commercial or national, in order that neither sector is disadvantaged in relation to the other.

### **3. REP FUNDING**

- 3.1. Regional and remote broadcast licence holders acknowledge the assistance of Government in the enormous task of progressing towards digital switchover across the vast non-metropolitan areas of Australia.

- 3.2. REP funding to assist with the rollout of digital broadcasting was predicated on the assumption of a simulcast period covering eight years.
- 3.3. Any extension of the simulcast period will impose substantial additional costs on regional and remote broadcast licence holders.
- 3.4. RBA submits any such extension must include provision for further assistance for regional and remote broadcast licence holders in order to ameliorate the high cost of maintaining and operating analogue transmission equipment beyond its planned decommissioning schedules.

#### **4. 'BLACK SPOT' AND 'SELF HELP' AREAS**

- 4.1 RBA notes the existence of substantial sectors within the geographical bounds of the various regional and remote broadcast licence areas covered by 'black spot' and 'self help' services.
- 4.2 RBA notes the eventual switchoff of analogue transmission services by regional and remote broadcast licence holders is likely to have an impact on 'black spot' and 'self help' services, outside the control of the regional and remote broadcast licence holders.

#### **5. SUMMARY**

RBA acknowledges the cooperative foundation for the success of the digital conversion process thus far. As we near the end game, approaching final digital switchover, RBA remains convinced that cooperative processes involving broadcasters and Government hold the key to achieving best outcomes for consumers while meeting the digital conversion goals for Government without imposing unsustainable burdens on broadcasters.

Regional and remote broadcast licence holders have faced and continue to face a disproportionate share of the burden of digital switchover, as well as substantial additional costs in the event of delays to switchover timelines.

RBA strongly supports a legislative framework allowing controlled flexibility, with the final switchover schedules to be determined in consultation between broadcasters and Government.

In making this submission, RBA wishes to reserve its position in relation to the final switchover timetables, and its right to participate vigorously in the processes designed to set those timetables.

**Regional Broadcasting Australia**

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