

4 July 2008

Manager  
Legislation Section  
Digital Switchover Policy and Regulation Branch  
Department of Broadband, Communications and the Digital Economy  
CANBERRA ACT 2601

By Email: [dst@dbcde.gov.au](mailto:dst@dbcde.gov.au)

Dear Sir / Madam

## **LEGISLATIVE FRAMEWORK FOR IMPLEMENTING A DIGITAL TELEVISION SWITCHOVER TIMETABLE**

ASTRA appreciates the opportunity to contribute to the Government's consideration of legislative amendments required to provide flexibility to develop and implement a digital television switchover timetable.

ASTRA represents the interests of subscription television platforms and channel providers / producers. A list of ASTRA's members can be found at [www.astra.org.au/members.asp](http://www.astra.org.au/members.asp).

As the market leader in provision of digital television services including the provision of retransmitted terrestrial digital services, ASTRA's members have a long standing vested interest in the policies and procedures being implemented by Government to assist the switchover to digital television. Having invested billions in infrastructure and services to create its digital platforms and content, independent of any Government subsidy or advantage, there is both much at stake and much to contribute to this process.

ASTRA appreciates and values the opportunity to work collaboratively with other industry sectors and the Government as a participant in the Department of Broadband, Communications and the Digital Economy's Digital Switchover Taskforce.

### **Generally**

ASTRA understands that the intention of this discussion paper is not to stimulate policy discussion concerning any of the 'Legislative provisions dependant on the 'end of the simulcast period'' addressed in Annexure A. ASTRA understands that these are listed in the discussion paper only to note that many policy issues are triggered by the process of Digital Television Switchover ('DTS').



However, if any consideration of these legislative provisions and consequent policy issues are to be a part of this review, ASTRA expects to be fully consulted and our views considered. Each issue has significant broad reaching policy implications affecting the subscription television sector. Given the interconnectivity of policy settings, there is considerable risk associated with each of these issues being considered in a piecemeal manner. ASTRA's firm position is that all these policies must be considered as a whole.

Further, a consistent approach must be taken if different licence areas end their simulcast periods at different times. Given that a number of policy issues are triggered by this event, a holistic approach will be needed as this transition takes place.

### **Flexibility and the Digital television conversion schemes**

Past policy settings have delivered suboptimal outcomes with regard to DTS, many of which have been exploited to generate substantial switchover delays. ASTRA therefore agrees with the position that a firm digital television timetable, that cannot be extended, provides certainty and incentives to take the necessary steps to ensure DTS is achieved.

ASTRA is however supportive of the need for some degree of flexibility in devising an appropriate switchover timetable. However these flexibilities must not permit further delays to DTS.

### **Digital Television Conversion Schemes**

ASTRA notes that Part A of the commercial television conversion scheme is directed towards ensuring *“that the level of coverage and potential reception quality achieved by the standard definition digital service is equivalent to the existing analogue service”*

The effect of the scheme has had significant impact upon ASTRA's members including interference to subscription television services resulting in expensive truck rolls and service calls paid for entirely by the subscription television industry and costing hundreds of thousands of dollars.

It is crucial that ASTRA is actively consulted about all aspects of these schemes given their effect and potential disruption to our industry and the over 2 million households and commercial venues that receive subscription digital television services.

### **Switchover timetable set by legislative instrument**

ASTRA supports a switchover timetable that is a firm, detailed schedule and is not easily adjustable. To permit too much flexibility would be a mistake, encouraging exploitation and potential delays.

If that is not to occur, ASTRA believes that the timetable should only be able to be set by the Governor General on advice from the Minister. No further delegation of this power should be permitted.

ASTRA supports consultation provisions being included in any amending legislation to ensure that the requirements of the Legislative Instruments Act 2003 are met. As has been stated, ASTRA's members are affected by every aspect of DTS and appropriate engagement with our sector must occur.

Do not hesitate to contact ASTRA if there is anything further that we may be able to provide to assist in the consultation process concerning an appropriate legislative framework for implementing DTS.

Yours sincerely

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

Debra Richards  
CEO