

Broadcasting Legislation Amendment (Digital Dividend and Other Measures) Bill 2011

Submission to the Senate Standing Committees on Environment and Communications

March 2011

Submission by
Regional Broadcasting Australia

Broadcasting Legislation Amendment (Digital Dividend and Other Measures) Bill 2011

Introduction

Regional Broadcasting Australia represents the interests of the commercial free-to-air (FTA) broadcast companies operating in regional and remote licence areas.

Regional broadcasters have been and continue to be a key driver in the conversion of Australian television to digital.

Regional broadcasters have led the way, with analogue switchoff in Mildura in June 2010 and in regional South Australia in December 2010, and will shortly effect analogue switchoff in all of regional Victoria.

It is also regional broadcasters who will face the greatest challenges as we move towards the massive spectrum 'restack' necessary to deliver to Government and to the people of Australia the 'digital dividend' from the proposed sale of spectrum removed from the Broadcasting Services Band.

Regional broadcasters support the passage without undue delay of the Broadcasting

Legislation Amendment (Digital Dividend and Other Measures) Bill (the 'DD Bill').

Television licence area plans

The proposed Television Licence Area Plans ('TLAPs') created by the DD Bill will be critical in streamlining the processes to allow the apparatus licensing and allocation of frequencies necessary to facilitate the proposed spectrum restack.

Without these provisions, RBA believes it will be virtually impossible in regional and remote Australia to achieve the delivery timelines set down for restack and for release of the digital dividend spectrum.

Regional and remote broadcasters operate approximately 1,700 transmitters across vast areas of Australia.

In order to effectively retune so many sites in the timeframe expected to deliver the digital dividend, a higher degree of flexibility and agility than currently exists in the regulatory environment under the BSA will be essential.

It is the view of RBA that the proposed TLAP provisions will deliver a regulatory structure more appropriate to the enormous task ahead, particularly for regional and remote broadcasters.

Satellite amendments

The proposed amendments to Part 9C of the BSA are critical to the provision of new digital FTA satellite services in Western Australia.

The proposed amendments in this Bill create the access regime without which the WA satellite services cannot operate.

The regional broadcasters who will operate the new WA digital FTA satellite services had intended to commence operations in March 2011.

Those planned new digital satellite services would be placed in serious jeopardy in the absence of a legislated access regime.

Delivery of terrestrial services at standard definition bitrates

The DD Bill makes provision for broadcasters in remote, sparsely populated areas of Australia to deliver the full suite of digital program content using Standard Definition (SD) delivery bitrates across all channels.

This is a critically important provision for regional and remote broadcasters operating in areas where extremely low population densities render metro-style delivery methodologies economically unviable.

The ability of regional and remote area broadcasters to deliver all digital services as SD channels would mean viewers in South Australia and Western Australia far removed from the cities of Adelaide and Perth will be able to watch the same choice of digital FTA television channels as their big-city counterparts by the end of this year.

Without the concession to multiplexing at SD bitrates, the cost to deliver the full Freeview suite of digital FTA television would be prohibitively expensive across the vast and sparsely populated remote broadcast areas.

Clarifications & corrections

The DD Bill also contains a number of clarifications and rectifications of elements of the BSA which presently create unintended consequences, particularly in relation to the

delivery of services under s38C licences.

RBA strongly supports these process amendments, which otherwise would impose a significant unintended burden on those regional and remote broadcasters licensed to deliver new digital FTA satellite services to all corners of Australia.

Summary

Regional Broadcasting Australia, on behalf of its member broadcasters operating in regional and remote licence areas, strongly supports the passage of the DD Bill, in order that the significant work now under way and shortly to commence to deliver Australia a substantial digital dividend be allowed to proceed without undue delay.

Failure of the provisions of the DD Bill noted above to pass into law would, in our respectful submission, have a serious and deleterious effect on the provision of digital FTA satellite TV to Western Australia; on the delivery of the digital dividend to Australia from the restack and release of BSB spectrum for resale; and on the delivery of the full suite of digital terrestrial television channels to those Australians living a long way from the capital cities.

RBA urges the Committee to recommend the Bill be passed into law.

Regional Broadcasting Australia

March 2011