

22 April 2010



BROADCAST AUSTRALIA

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Senate Committee on Environment,
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Dear Secretary,

**RE: Senate Committee on Environment, Communications and the Arts inquiry
Into Broadcasting Legislation Amendment (Digital Television) Bill 2010**

Broadcast Australia appreciated the opportunity to provide evidence at the committee hearing last Friday.

Coverage Equivalence

We took one question on notice; to provide information on the sites in Regional South Australia which do not have the full suite of services available terrestrially. The table below outlines the situation in these eight (8) areas.

Area	Existing Analogue TV Services	Existing Digital TV Services*	Digital TV Services Required to be Established
Burra, Quorn	ABC, SCM, SBS (SH)	ABC, SCM	SBS
Clare	SBS, SCM	SBS, SCM	ABC
Coffin Bay	ABC, SCM	ABC, SCM	SBS
Pinnaroo, Lameroo, Keith, Bordertown	ABC, WIN	ABC, WIN	SBS

Notes: ABC – Australian Broadcasting Corporation

SBS – Special Broadcasting Service

SCM – Southern Cross Media

WIN – WIN Television Network

(SH) – Self-Help retransmission

* - According to the DBCDE Report on Digital Transmission and Reception, February 2010

In all cases above, a single commercial digital television transmitter operates to provide two (2) Standard Definition (SD) programs. The proposed satellite platform will provide three (3) High Definition (HD) and six (6) SD commercial programs.

BA notes that the "Candidate List 2" provided to the Committee on 16 April said Burra and Quorn were being dealt with by new in fill digital transmitter facilities established by commercial broadcasters. As can be seen from the above table, List 2 however does not show whether analog self help facilities providing SBS services have been upgraded or whether, in the case of Clare, the required new ABC in fill digital transmitter is planned or operating.

If planning for the above "Digital TV Services Required to be Established" does not occur very soon viewers in these areas may have to install both DTH satellite reception facilities just to watch

the ABC or SBS (as the case may be) after the analog switch-off date. They would be refused access to the new satellite platform to watch commercial TV services pursuant to the conditional access regime the Bill establishes so they would also require digital terrestrial reception facilities.

As mentioned on Friday (and at page 11 item xi of the BA primary submission), BA believes that the terrestrial viewers in the 8 environments above should be provided with the same range of services terrestrially as is available via satellite. No home which has access to commercial terrestrial digital television services should be forced to resort to satellite direct to home (DTH) reception - at significant additional and dupliative cost - to receive one or both of their National broadcaster services.

Timeliness of Facility Establishment

We noted that as part of the evidence provided by Mr Townend (DBCDE) on Friday, he guaranteed (page 71 of the Hansard record) that the 87 Self-Help sites to be converted to digital by Commercial Broadcasters (the List 1 Candidates) would commence their digital television transmissions six (6) months prior to the proposed switch-off date for analogue transmissions for the switch-off area in which they are located. Logically this six month prior guarantee should also apply to the provision of new broadcaster provided gap fill facilities. As indicated by DBCDE on 16 April these gap fillers effectively remove the need to upgrade to digital 44 other analog self-help facilities (the List 2 Candidate group).

BA strongly supports the position that all new digital transmission facilities, including those provided by BA to the ABC and SBS, should be established six months prior to analog switch off in each region to allow viewers to determine their best reception solution. It is unfortunate that this isn't practical for Mildura and will not be possible for the above highlighted Regional South Australian locations as the decisions to fund and build the requisite digital terrestrial transmission facilities have not yet been made by government and or the ABC / SBS.

Retransmission requirements

BA wishes to alert the committee that, in view of comments made by NITV, Screenrights and Free TV concerning the new "re broadcasting" regime the Bill establishes, that nothing should be done to these or the relevant elements of the Copyright Act to affect the Bill's current allowance for self-help providers (as defined in Section 212A of the BSA) to retransmit program services available from the new satellite platform pursuant to Section 212 (1) (a), (b) and (c) of the BSA.

Further BA believes the Senate Committee should satisfy itself that nothing in the conditional access, subscriber management or smart card systems, or indeed any technical element employed by the platform's manager should restrict or make it more expensive for any such self-help entity to retransmit commercial and National services available (and community and NITV services if they become available) from the new platform.

Should you require any further information, please feel free to contact me or Graeme Barclay (BA Group CEO).

Yours sincerely



Stephen Farrugia
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