

**Submission by
National Indigenous TV
Limited**

Senate Standing Committee on Environment,
Communication and the Arts

Inquiry into the Broadcasting Legislation
Amendment (Digital Television Switch-over) Bill
2008

5 November 2008

Table of Contents

1. Executive summary	3
2. Introduction.....	3
3. Other submissions.....	4
4. NITV's role in digital terrestrial television take up in some early switch-off markets	4
5. The remote area digital conversion	5
6. Possible amendments to the Broadcasting Services Act 1992 (Cwth) (BSA) and the Radiocommunications Act 1992 (Cwth) (RA).....	7

1. Executive summary

- This submission by National Indigenous TV Limited (**NITV**) is, in part, in response to the submissions made to the Senate Standing Committee on Environment, Communications and the Arts (the **Committee**) by ASTRA and Imparja Television Pty Ltd.
- NITV considers the rollout of the free-to-air broadcasters' own digital television transmitters and the rollout of self-help digital transmitters all over Australia as representing an opportunity to enable the NITV service to be made available - free-to-air - on an ongoing basis to both Indigenous Australians and to the Australian population at large.
- Digital conversion in the remote areas will be complex. However, the rollout of broadcaster controlled digital transmitters and the appropriate rollout of digital self-help transmitters in the regional areas of Western Australia - and remote areas everywhere - represents an opportunity to enable the NITV service to be made more ubiquitously available free-to-air in those areas.
- NITV has no specific amendments to suggest to the Broadcasting Legislation Amendment (Digital Television Switch-over) Bill 2008 (the **Bill**). Rather, it wishes to draw attention to the need to finalise digital conversion plans for remote areas. This includes the development of the appropriate policies and requisite funding under which digital self-help transmitters which will retransmit commercial, national and NITV services to viewers, beyond the reach of broadcaster owned and controlled transmitters, are rolled out.

2. Introduction

NITV is a 24 hour day open narrowcast service available free-to-air on a permanent basis to approximately 200,000 remote area Australians through 149 analogue terrestrial transmitters and to those homes with Optus Aurora direct to home (**DTH**) satellite receive facilities.

Since 1 November 2007, the NITV service has been retransmitted to subscribers of Foxtel, Optus and Austar on their basic tier. In September and October 2008, retransmission of the NITV Service commenced on TransAct (Canberra) and Neighborhood Cable (Geelong, Ballarat and Mildura). Most recently, on 27 October 2008, the NITV service began being transmitted by Broadcast Australia on free-to-air digital Channel 40 in the Sydney metropolitan free-to-air market, on a trial basis.

Accordingly, NITV is now available free-to-air on a permanent basis to around 200,000 people, on a trial basis free-to-air to around two million people in Sydney and to a potential audience of 6.2 million subscription television subscribers throughout Australia.

3. Other submissions

NITV is grateful that others have mentioned the service in their submissions to the Committee.

However, NITV would like to point out that the reference in the ASTRA submission (page 2) to NITV being "*the Imparja NITV service*" needs some clarification.

NITV is an entirely separate, not for profit entity, which has no corporate links to Imparja Television Pty Ltd (*Imparja*). Its relationship with Imparja is one of Imparja providing fee for service uplinking and other satellite services to enable NITV to initially be available from the Optus Aurora free-to-air satellite platform.

In the Imparja submission, in the context of self-help communities needing funding and technical assistance to convert to digital, it states (page 3):

"...in the absence of a workable scheme for converting self-help locations, digital take up cannot hope to meet a level that would allow analogue switch-off to occur. What is more the valued and valuable NITV broadcasts would all fall by the wayside."

NITV of course is broadcast on many different analogue and digital free-to-air and subscription television platforms and is not solely reliant on the 149 self-help analogue transmitter operations currently in the remote areas of Australia. Further, all 149 analogue transmitters have been installed by the Commonwealth through a separate scheme to those which have initially funded capital and installation costs associated with self-help analogue transmitters for retransmitting national and commercial television service anywhere in Australia.

NITV is confident that the special importance of its terrestrial free-to-air transmissions in remote areas would never allow its somewhat different self-help terrestrial broadcasts "*to fall by the wayside.*"

As can be clearly seen in this submission however NITV is concerned to bring to the Senate's attention the fact that self-help analogue to digital TV transmission arrangements not only in the remote areas but all over Australia are not covered by the current Digital Switchover Bill.

4. NITV's role in digital terrestrial television take up in some early switch-off markets

According to the switch-off window timetable released by the Minister for Broadband Communications and the Digital Economy on 19 October 2008, the old so-called solus television markets of Spencers Gulf, the Riverland and Mt Gambier in South Australia and Broken Hill in New South Wales may have their analogue transmissions switched off as early as 1 July 2010.

At the moment the single digital transmitters of the one commercial TV entity operating in these markets carries two standard definition television services only.

It is possible these entities would be willing and able to carry a 'paying passenger' standard definition NITV service on these single digital transmitter facilities.

This depends on:

- Whether all of the above small commercial TV entities would wish to carry any standard definition digital multichannels of their own (and hence have the spare transmission capacity in future to carry an NITV paying passenger); and
- NITV obtaining the funds to be a commercial paying passenger on such digital transmission capacity.

It seems at least possible that NITV could achieve an extra potential free-to-air audience of several hundred thousand without such viewers having to purchase specific reception facilities just to watch NITV and without the Commonwealth having to put in or pay for a single extra specific NITV digital transmitter.

An extra free-to-air television service provided in digital in those four early switch-off markets may assist increases in digital take up.

The same could also be true for the old solus regional television market of Griffith in NSW which is not currently due to start switching off until the beginning of 2012.

5. The remote area digital conversion

5.1 Potential opportunities to extend NITV free-to-air terrestrial transmissions

NITV notes that apparently through the mechanisms outlined in Clause 6B(1) and (2) of Schedule 4 of the Bill, it will be the Australian Communications and Media Authority (**ACMA**) that will determine the Simulcast Period for the two separate remote areas - which include all of regional and remote Western Australia and all the remote areas in the remaining states and territories of Australia.

It also appears that the Minister through Clause 6B(2) of the Bill is able to instruct ACMA to extend the Simulcast Period to an unrestricted date for an unrestricted range of reasons.

This raises the possibility that digital transmitter or satellite rollout may not occur in remote areas until well after the latest date on which it must occur in all other areas.

NITV is concerned about the possibility of an indefinite delay.

Currently NITV is only transmitted through some 149 analogue transmitters in the remote areas. There are another 321 self-help transmission sites in the remote areas where NITV is not transmitted. Further, apart from Alice Springs, Mt Isa and Bourke NITV is not aware of any site, where the remote commercial television broadcasters own and control transmitters, where NITV is also retransmitted.

For NITV, the most likely cost effective mechanism for expansion of the availability of its services to homes in remote areas (where it is not currently available free-to-air) will be via the rollout of digital transmitters.

One way of enhancing availability would be through NITV becoming an extra standard definition television service on

- commercial broadcaster controlled digital transmitters providing the commercial digital television services for remote areas; and
- digital self-help transmitters which retransmit commercial television services.

This is dependant on:

- Whether all of the remote commercial TV entities would wish to carry any standard definition digital multichannels of their own (and hence have spare transmission capacity in future to carry an NITV paying passenger);
- NITV obtaining the funds to be a commercial paying passenger on such digital transmission capacity; and
- Self help conversion occurring in a manner which allowed NITV to be retransmitted from the same digital transmitter used to retransmit commercial TV services

It seems at least possible that NITV could achieve an extra potential free-to-air audience of three quarters of a million people without viewers having to purchase specific reception facilities or the Commonwealth having to put in or pay for a single extra specific NITV digital transmitter.

Further, the communities involved would have another new television service to help justify their conversion of their own equipment to digital.

5.2 ABC and SBS remote digital rollout

NITV believes that some actions, already taken, could make any significant delay of the rollout of digital transmitters in the remote areas difficult.

For example, by the end of 2008, the ABC will have 33 of its relevant transmitters and transmitter sites in regional and remote Western Australia already transmitting in digital.

Further, in both Alice Springs and Mount Isa, the ABC is already transmitting in digital. Hence, implementation of digital terrestrial television in the remote areas has begun and has been directly funded by Government via the ABC.

Some of the rollout of ABC digital terrestrial television transmitters in the Western Australia remote zone has occurred in areas where no commercial television controlled analogue transmitters exist and where, traditionally, terrestrial retransmission of the relevant commercial services has been carried out by self-help groups.

Accordingly, already there is the potentially vexed question of a self-help group having to convert to digital terrestrial mode in order for commercial free-to-air services there to be delivered in the same format as the ABC.

Alternatively, if it was decided not to convert such analogue self-help transmitters retransmitting commercial television services to digital and, instead to rely on satellite to deliver the digital remote commercial television services direct to homes, such homes would require a digital terrestrial set top box for the ABC and a digital satellite set top box for the companion commercial services. The analogue self help transmitters retransmitting NITV are of course tied up in this overall scenario in WA too.

NITV recognises the obvious financial impost on remote area commercial television broadcasters of comprehensively implementing digital conversion in the remote areas. However it seems that overall policy settings and funding to undertake digital transmitter rollout should be developed as soon as feasible in order to prevent more such anomalies occurring.

Certainly NITV sees digital transmitter rollout in the remote areas as a means by which nearly $\frac{3}{4}$ of a million people who currently can only receive NITV by purchasing a separate Optus Aurora DTH satellite reception system could receive it utilising the same reception equipment as they need to watch all other local remote terrestrial television services.

6. Possible amendments to the Broadcasting Services Act 1992 (Cwth) (BSA) and the Radiocommunications Act 1992 (Cwth) (RA).

NITV wishes to draw the Committee's attention to the fact that some minor technical amendments to the BSA and RA may be required in order to allow digital transmitters controlled by commercial broadcasters to be able to carry a standard definition TV open narrowcast service

such as NITV. Such amendments may be worthy of consideration in connection with the Bill.

On behalf of NITV, thank you for the opportunity to make this submission to the Committee.

Yours sincerely

Patricia Turner AM

Chief Executive Officer