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About this paper

On 10 December 2013, Australia completed the switch to digital-only television marking the end of a major period of change in the television broadcasting sector. During this period there was a threefold increase in the number of free-to-air television services and the introduction of high definition television. Throughout this paper, references to television services are to the free-to-air services provided by commercial and national broadcasters. Viewers experienced significant improvements in picture quality and sound, and all Australians can now access the full range of television services wherever they might live.

Under current broadcasting regulation, commercial and national broadcasters are each allocated a 7 megahertz (MHz) wide channel of spectrum in which to transmit their digital television services. Similarly, a viewer's reception equipment is configured to receive digital television services through these 7 MHz channels. The number of services a broadcasting licensee can provide within this allocation depends on several technical factors, the desired picture quality and the type of programmes transmitted. There are currently 17¹ commercial and national broadcast television services available in metropolitan areas (and an additional six datacasting services, depending on a viewer's location). Viewers in non-metropolitan areas are able to receive the same number of television services as viewers in metropolitan areas, but may not receive some or all datacasting services.

While the switch to digital-only television technology not only provided a superior viewing experience with better pictures, better sound and more services, it also changed the nature of the digital television regulatory framework. The *Broadcasting Services Act 1992* (the BSA) set out that legislative framework and included many technical planning provisions as well as specific obligations for broadcasters, such as regulating the number and types of services they could provide and imposing a high definition television quota they needed to meet. Now that the switchover from analog to digital-only television is complete, much of the regulation that planned the conversion process is redundant and this presents an opportunity to consider whether certain aspects of the broader digital television regulatory framework require reform for the future.

Any potential reform of digital television regulation must be placed in the context of a rapidly changing communications environment and the Government's commitment to deregulation. Television remains popular and influential within Australian society. However, the increasing use of high-speed broadband and mobile devices, changes in consumer behaviour and the growth of online content providers mean the sector faces increasing competition for audiences and advertising.

In Australia there is growing evidence of a shift in audience behaviour. The average time a person spends watching television (93 hours each month)² and the industry's share of advertising

¹ This includes the SBS HD service which is a simulcast of the SBS One service.

² Oztam/Nielsen *Q4 2013 Australian Multi-Screen Report*. In Q4 2013, people watched an average of almost 93 hours of broadcast television each month, up from around 91 hours each month a year earlier

expenditure (26.1 per cent in 2013)³ have remained relatively stable but the online audience is now on par with television viewing between 6 pm and 8 pm, and greater than broadcast television after 8 pm⁴. As of May 2013 there were 7.9 million people in Australia using professional content services over the Internet such as catch-up TV, video on demand and IPTV.⁵ Frost & Sullivan has also reported that the Australian online advertising market is growing at a much faster rate than other sectors, accounting for 27 per cent of total advertising expenditure in 2013, but estimated to account for 41 per cent in 2018.⁶

Internationally, broadcasters and regulators are identifying the same trends. Netflix, the on-demand media streaming service now accounts for 34.2 per cent of broadband usage during primetime hours in the United States, up from 31.6 per cent in the second half of 2013.⁷ In the United Kingdom, the BBC plans to close BBC3 as a linear television service in the autumn of 2015, subject to the approval of the BBC Trust, and migrate to an online version of BBC3.⁸

A recent Ofcom paper, while acknowledging that it did not expect a full switch-off of terrestrial digital television services until at least 2030, identified three key factors that are likely to affect how television services will need to develop into the future.⁹ These factors included greater levels of connectivity where television receivers connected to the internet are driving new functionality such as catch-up and on demand services, a drive for improved picture quality due to advances in transmission and compression technologies;¹⁰ and the development of new services and pricing structures where subscription television providers have begun to look for other opportunities to grow.

In the medium term, it seems likely that viewers will access traditional free-to-air television services, subscription television and video and audio content over the internet at different times and for different purposes. So, while television services will remain an important part of the Australian media landscape, the Government considers that it is time to review the current broadcasting

³ Data sourced from CEASA 2013, percentage share by advertising category.

⁴ Nielsen *Australian Connected Consumers Report 2014*, p. 184

⁵ ACMA, (2013), "Communications Report, 2012-13", p.46

⁶ Frost & Sullivan, 'Australian online advertising market outperforms all other traditional media channels', press release 15 January 2014, [Frost's Online Advertising Report for Australia](#)

⁷ Variety, Netflix Remains King of Bandwidth Usage, While YouTube Declines, [Variety's Report on the Rise of Netflix](#)

⁸ BBC3 closure confirmed for autumn 2015. The Guardian 6 March 2014. [The Guardian's Article on the Closure of BBC3](#)

⁹ Ofcom, *The Future of Free to View TV: A Discussion Document*, p. 4-5

¹⁰ Ofcom considers it is possible that high definition (HD) will increasingly become the basic expectation of viewers and that some platforms will become fully HD in the next decade.

regulatory framework to ensure it is fit-for-purpose for the next wave of innovation in the media sector.

This paper is not intended to be a comprehensive review of all media regulation; rather it focuses specifically on matters such as the availability of services, the technical evolution of broadcasting and the use of broadcasting spectrum. These changes are in the first instance driven by the conversion to digital television, but reflect other external changes driving innovation in the industry. The paper outlines several policy principles that should be considered when reforming the regulation of television services. It explores a number of key policy or implementation issues and then outlines the Government's current thinking on them. We welcome your views to help inform Government consideration of the most appropriate policy and legislative settings for the future.

Principles for reform

The Communications Portfolio Deregulation Roadmap 2014 foreshadowed that the Government would review the provisions contained in Schedule 4 to the BSA¹¹, which set in place the legislative framework for the conversion from analog to digital television. The first stage of this review has involved the identification of those provisions in Schedule 4 that are redundant or spent after the completion of switchover. On 22 October 2014, the Government introduced the Broadcasting and Other Legislation Amendment (Deregulation) Bill 2014 which will repeal or amend these provisions in the BSA.

On 10 September 2014, the Minister for Communications made a keynote address on 'Spectrum in the Age of Digital Innovation' to the Australian Communications and Media Authority's (ACMA) RadComms 2014 Conference. In that speech, the Minister proposed that a future broadcasting spectrum framework would include the following strategic principles:

- The Government considers it important to continue to reserve spectrum for commercial and national television services;
- The current restriction on the number of commercial television licences that can be allocated for each licence area should be retained;
- Commercial and national broadcasters should be free to determine the most appropriate mix of services and formats for their audience. Regulation should not mandate that commercial and national broadcasters provide minimum numbers of non-primary multi-channels¹² or minimum levels of high definition content;
- Commercial and national broadcasters should be increasingly permitted to use spectrum more flexibly and allow third party access to their spectrum. The type of services commercial and national broadcasters offer should not be constrained by regulation apart from retaining the restriction on subscription services; and
- Commercial and national broadcasters should deliver their services through spectrally efficient mechanisms.

The Government also aims to reduce the regulatory burden for individuals, businesses and community organisations by meeting a red and green tape reduction target of at least \$1 billion a year. A high priority and focus in the Communications portfolio is to deliver reform through better regulation, which lowers the cost burden on business, while maintaining necessary consumer and other safeguards.

¹¹ Communications Portfolio Deregulation Roadmap 2014, [Communications Portfolio Roadmap](#)

¹² After the simulcast period, each broadcaster's primary channel is a specified SD multi-channel.

1. Commercial and national broadcasters should be free to determine the most appropriate mix of services and formats for their audience

1.1. The number of commercial broadcasting services provided

To help drive the take-up of digital television, the Government introduced legislation in 2006 that authorised¹³ certain broadcasters to provide digital television multi-channels. During the simulcast period, commercial broadcasters were authorised to provide a core standard definition (SD) service which was a simulcast of their analog service, a high definition (HD) multi-channelled service and an SD multi-channelled service.¹⁴ All commercial television broadcasting services are now considered to be multi-channels. The national broadcasters were also required to provide a core SD service, but were otherwise not limited in the number of services they could provide within the physical limitations of their spectrum allocation.

With the completion of the digital switchover, the legislated restrictions on the number of services that commercial broadcasters are authorised to provide no longer apply. A commercial television broadcasting licence now authorises the licensee to provide one or more HD multi-channelled commercial television services, and/or one or more SD multi-channelled services.¹⁵ Licensees are still required to provide a 'primary' SD service for the purposes of meeting Australian content, anti-siphoning and captioning requirements but they are otherwise free to choose the number and format of broadcast television services they provide. The role of the primary SD service is discussed further in section 1.3, and HD services are discussed in greater detail in section 1.4.

These arrangements were based on the expectation that, after switchover, it would be appropriate to reduce the regulatory requirements on commercial broadcasters and allow consumer demand and commercial decisions to play a greater role in determining the number of services provided. Allowing greater flexibility could also encourage greater innovation in services. It is noted that other content providers – delivering services online or through cable – are not subject to limitations on the number and format of services they provide.

There are a range of drivers influencing commercial decisions on the number of services a commercial broadcaster chooses to provide. These include the value proposition for consumers, market competition, the cost of delivering services, and projected impacts on advertising or other revenue. Having a suite of services provides commercial broadcasters with flexibility to use different

¹³ Service authorisations under the BSA define the types of services that are able to be provided by licensees.

¹⁴ As currently outlined in section 41B of the BSA

¹⁵ See section 41C of the BSA

services to target particular demographics or show major sports events while maintaining their core programming.

However, under the current regulatory arrangements, there is nothing to prevent a commercial broadcaster in a metropolitan licence area from choosing to provide just one SD multi-channel service (their primary service).¹⁶ While there is currently no indication that any of the metropolitan commercial broadcasters intend to reduce the number of services they provide, doing so to such an extent would result in an inefficient use of spectrum and an undesirable outcome for viewers. Therefore, the Government will continue to monitor these regulatory arrangements to make sure that an appropriate balance is maintained between giving broadcasters the freedom to use their spectrum how they see fit, providing audiences with a diverse range of television services and the appropriate and efficient use of spectrum.

Preliminary Government position: No new regulation limiting the number of services provided by broadcasters will be introduced

The Government will not seek to regulate the number of services provided by commercial or national broadcasters in addition to their primary channel. It considers that there are sufficient commercial incentives in the market to mitigate the likelihood of broadcasters significantly reducing the number of services they provide.

1.2. The availability of commercial television services across Australia

Australian television viewers in regional and remote licence areas can currently access the same number of services as their metropolitan counterparts. This has been a relatively recent development.

Before certain policy initiatives were introduced during the switchover process, viewers in some regional and remote licence areas could watch fewer commercial television services than their counterparts in metropolitan licence areas. For example, in four regional television licence areas a single analog television service was provided by one licensee¹⁷. These areas were known as the 'solus' markets. Subsequent amendments to licensing arrangements allowed such licensees to apply for an additional commercial television broadcasting licence.¹⁸ Viewers were then provided with two commercial television services. In the Darwin, Tasmania and Mildura licence areas, commercial services were provided by two licensees and viewers were provided with two commercial television

¹⁶ This is not the case in regional and remote licence areas, as discussed in section 1.2 below.

¹⁷ The relevant licence areas are: Broken Hill, Mount Gambier, Riverland and Spencer Gulf.

¹⁸ Section 38A of the BSA.

services. As part of the transition to digital television, broadcasters in former ‘solus’ markets, Darwin, Tasmania and Mildura were also able to apply for a licence for a third, digital-only television licence,¹⁹ providing their viewers with three commercial television services.

During switchover, several initiatives were introduced to help viewers in the smaller regional and remote licence areas receive the same number of services as were provided in the metropolitan licence areas (a policy termed ‘equalisation’). This included the Additional Services Assistance Program (ASAP) that helped smaller regional and remote commercial broadcasters to upgrade their terrestrial broadcasting infrastructure²⁰ and the establishment of the Viewer Access Satellite Television (VAST) service for those unable to receive adequate terrestrial television reception (see below for further information).

The Viewer Access Satellite Television service

The VAST service allows eligible viewers – in remote communities or blackspots unable to receive terrestrial signals – to access via a satellite platform the same number of channels carrying a comparable level of services to those available terrestrially. The service commenced in mid-2010 and is licensed under section 38C of the BSA. As at October 2014, there were approximately 184,000 households (and 220,000 decoders) authorised to access the VAST service.

VAST licensees are required to provide the same number and format of services, containing substantially the same content, as those provided by commercial terrestrial licensees in the related remote area. Where a service is not available in the remote area, the replacement service must be sourced from a metropolitan commercial broadcaster. In addition, licensees in Northeast and Southeast Australia are required to provide a dedicated aggregated news service comprised of regional local news. Licensees for the Western Australia VAST are not required to provide a dedicated aggregated news service.

Anyone may apply for and be authorised to receive the national broadcasting services on the VAST service. However, specific rules and a conditional access scheme apply to viewers wanting access to commercial television services.

The Australian Government is contractually obliged to provide funding until 2020 to support the VAST service.

¹⁹ Section 38B of the BSA.

²⁰ The \$24 million Additional Services Assistance Program provided funding to smaller regional and remote commercial broadcasters to upgrade their terrestrial broadcasting infrastructure so they could provide the same number of services as their metropolitan counterparts. HD content was required as a condition of funding, which ceased at the end of the 2013-14 financial year. There was no expectation that the Government would continue to pay for infrastructure upgrades or transmission costs after switchover.

As well as these programme initiatives, legislation was introduced that stated if a terrestrial commercial broadcaster provided *fewer* services in their licence area than are provided on the VAST service, the ACMA can declare the area to be 'service deficient'.²¹ This allows viewers in the licence area to apply to access the VAST service at their own expense.²² In practice, this provides an incentive for broadcasters in regional and remote licence areas to match the services available on the VAST service (as at the end of the simulcast period) and by extension mirror those in metropolitan areas.

However, this regulation also limits the flexibility for commercial broadcasters in regional and remote licence areas to offer services that are distinct from their metropolitan equivalents and minimise costs. A decrease in the number of services may trigger a service deficiency declaration, while an increase may be difficult to achieve because regional broadcasters source the majority of their content from metropolitan broadcasters. Nonetheless, a regional broadcaster could in the future seek to change the number and nature of the channels it provides. For example, it may seek to replace two SD services that are provided in a metropolitan area (and on the VAST service) with a new HD service or a hybrid service of either format that features content from both those SD services. As the number of services would be less than those provided on the VAST service, the area could be declared service deficient and viewers in the area would be eligible to convert to the VAST service.

As outlined in section 1.1 above, there are a range of drivers influencing commercial decisions on the number of services a commercial broadcaster chooses to provide. A factor encouraging broadcasters to make more services more widely available in their licence areas is their contribution to advertising revenue. While the metropolitan market household ratings may be the most influential, regional television also attracts substantial advertising spend. Gross advertising revenue for commercial television networks for the period January to June 2014 from regional services was \$426 million (compared to \$1.4 billion for metropolitan services).²³ Broadcasters may also suffer brand or reputational damage should they reduce services to certain markets. It is therefore not clear that the service deficiency provisions currently in the BSA are still required.

Removing these provisions for declaring an area 'service deficient' would provide broadcasters in regional and remote licence areas with the same flexibility to make commercial decisions as to the number and format of services they provide as is available for metropolitan broadcasters, without the risk of losing their audiences to another broadcasting service, i.e. VAST. However, viewers located in genuine metropolitan and regional blackspots (that is areas where they are unable to receive the television services for their licence area) will still be able to apply for access to VAST

²¹ See section 130ZH and subsection 130ZB(5) of the BSA

²² The cost to a consumer for equipment to access the VAST service on one television is approximately \$400 to \$1100 depending on the set-top box selected (prices range from \$280 to \$600) and the type of satellite dish required (\$100 to \$500). A separate set-top box is required for each television within the household.

²³ FreeTV, Advertising revenue for commercial television networks January to June 2014. [Think TV - Free TV Advertising Revenue](#).

services. The Government will continue to monitor the provision of terrestrial commercial television services in regional and remote licence areas to determine whether any future regulation is merited.

Preliminary Government position: Remove the provisions in the BSA that specify if a terrestrial regional commercial broadcaster provides *fewer* services in its licence area than is provided on VAST, the ACMA can declare the area to be ‘service deficient’

Consistent with its deregulation agenda, the Government will remove the regulation of the number of services provided across regional and remote licence areas. The provisions intended to allow viewers in regional licence areas access to the VAST service where the ACMA declare the area to be ‘service deficient’ will be removed.

1.3. The role of the ‘primary’ channel

This paper also considers whether the distinction between a television broadcaster’s primary channel and any other multi-channels remains relevant in a digital-only world.²⁴

Television broadcasters are required to provide a SD channel as their primary channel which is linked to their anti-siphoning and captioning obligations and, in the case of commercial broadcasters, some Australian content obligations. The Government has indicated it will separately consider the anti-siphoning, Australian content and captioning obligations. This paper is not exploring the appropriateness of those obligations. A summary of the current obligations is outlined in Table 1 below:

²⁴ Clause 41G(2) of Schedule 2 to the BSA requires the ACMA to declare by written instrument that a specified SD service provided by a commercial television broadcaster is the licensee’s primary commercial television broadcasting service for a particular licence area. Clause 41M(1) of Schedule 2 requires the national broadcasters to make similar declarations to the Minister in relation to particular coverage areas.

Table 1 Anti-siphoning, captioning and Australian content requirements

This table outlines the current anti-siphoning, captioning and Australian content requirements for primary channels and multi-channels.²⁵

	Primary channel (SD)	Multi-channels (SD/HD)
Anti-siphoning National and commercial broadcasters	Anti-siphoning events must first be televised on the primary channel	Anti-siphoning events cannot be shown first on the non-primary multi-channel unless a simulcast is on the primary channel
Captioning National and commercial broadcasters	95 per cent (2013-14) and 100 per cent (from 2014-15) of non-exempt content screened between 6 am and midnight, as well as news or current affair programmes at any time is subject to captioning requirements	Not required to caption unless programming has been previously transmitted on the primary channel
Australian content Commercial broadcasters	55 per cent of programming for commercial broadcasters between 6am to midnight must be Australian content	1460 hours for commercial broadcasters from 2015 onwards (transitional quota arrangements for 2013 and 2014) There is an incentive for first release Australian drama

The concept of a core or primary channel is grounded in the analog era, when each broadcaster offered only one service. This concept remained important during the simulcast period and the progressive transition to digital television (where the primary channel was an SD simulcast of the analog service). With the completion of digital switchover and availability of a larger suite of services however, it is appropriate to consider whether the concept of a primary channel continues to be relevant, and whether current channel specific obligations are fit for purpose in future.

Current legislation requires the primary channel to be SD. This was important during the transition to digital television when access to HD channels was not widespread. However, a survey conducted at the end of digital switchover by Newspoll suggested that 96 per cent of all households had a main television set or set-top box that was HD capable.²⁶ It is expected that this figure has grown with HD capability generally standard in televisions and set-top boxes currently on the market.

As noted in Table 1, events on the anti-siphoning list currently cannot be premiered on an HD multi-channel unless they are also simultaneously shown (or simulcast) on the primary SD channel. Over recent years, many events have been removed from the list (or 'delisted'), allowing them to be

²⁵ Australian content rules outlined in section 121G of the BSA, captioning requirements in Part 9D, Schedule 2 to the BSA, and restrictions on television anti-siphoning events in Part 4A of Schedule 4 to the BSA.

²⁶ Newspoll. Information provided to the Department of Communications, 14 April 2014.

shown on an HD multi-channel. Since 2010, the Government has, by the making of a relevant notice, delisted events on nearly 60 separate occasions. This also indicates that current arrangements no longer suit commercial or consumer preferences with many Australians expecting key sporting events to be available in HD on both free-to-air and subscription television.

Preliminary Government position: The requirement for the primary channel to be provided in standard definition will be removed

The Government intends to remove the requirement for the primary channel to be provided in standard definition. Given the widespread availability of HD receivers, there is no longer any reason to restrict the format of the primary channel.

1.4. High definition services

To help encourage take-up of digital television, legislation was introduced in 2000 and 2002 that required certain commercial and national broadcasters to provide a minimum of 1040 hours of HD programming per calendar year.²⁷ The HD quota requirement has ceased to have effect now that switchover has been completed.

A commercial television broadcasting licence currently authorises the licensee to provide one or more HD commercial television services and/or one or more SD commercial television services. Unlike commercial broadcasters, national broadcasters are not licensed under the BSA. They provide services under the *Australian Broadcasting Corporation Act 1983* and the *Special Broadcasting Service Act 1991*. At a minimum, they are required to broadcast an SD service as their primary service²⁸, but in practice they both provide additional services. Five of the 17 commercial and national services available today are identified as HD services, with the remainder provided in SD. Commercial broadcasters in smaller regional licence areas and remote licence areas received government assistance under ASAP to upgrade their terrestrial broadcasting infrastructure so that they could provide the same number of channels as their metropolitan counterparts. Eligibility for this funding required the transmission of HD content. Prior to this funding, the commercial broadcasters in these areas provided three SD services under each broadcasting licence.

While the HD quota no longer applies, no broadcaster has yet indicated it has any plans to reduce HD programming. Rather, commercial broadcasters have sought flexibility for the delivery of their

²⁷ See Division 2, Part 4 of Schedule 4 to the BSA. There were different requirements for remote and non-remote areas. Some smaller, regional broadcasters were not subject to these requirements.

²⁸ Clause 41M of Schedule 4 to the BSA.

primary channel in HD format²⁹. Distinct HD programming has been available since 2009³⁰ and there is arguably consumer expectation that such services will continue. The ability to show sport in HD is likely to continue to be commercially valuable to broadcasters. In addition, televisions and set-top boxes must be HD capable in order to receive Freeview endorsement, and such capability is generally standard in products on the market today.

There is a trade-off between the number of services that broadcasters can provide within their spectrum allocation and the picture quality of those services. Providing flexibility to broadcasters on the number and format of services would allow them to respond to consumer demand and technological changes to reach an appropriate balance.

Preliminary Government position: No reintroduction of a quota requiring a specified amount of HD content

The Government will not reintroduce a quota requiring a specified amount of HD content. This will provide broadcasters with greater flexibility to choose the format of services they provide.

Implementation Questions

1. What factors will influence the decision to increase or reduce the number of services a broadcaster chooses to provide?
2. What safeguards, if any, should the Government put in place to make sure that an appropriate balance is maintained between giving broadcasters the freedom to use their spectrum how they see fit, providing audiences with a diverse range of television services and the appropriate and efficient use of spectrum?
3. What consequences, if any, could the removal of 'service deficient' declarations have on the content delivered to viewers in smaller regional and remote areas?
4. What impact, if any, will the removal of the requirement for the primary channel to be provided in SD have on viewers?
5. What factors will influence a television broadcaster's decision to continue to offer HD content?

²⁹ The FreeTV Australia deregulation submission can be found [Communications Portfolio Deregulation Roadmap 2014](#)

³⁰ Broadcasters did provide HD content prior to this date but it was usually a simulcast of their primary channel.

2. Commercial and national broadcasters should be increasingly permitted to use spectrum more flexibly

In recent years, each individual broadcaster has provided several channels of content to their viewers. This usually includes the broadcaster's primary channel, one or more multi-channels, and in some instances, datacasting services. To combine these multiple streams of content into one transmission signal, broadcasters use digital multiplex technology.

However, in the context of wider broadcasting regulation, a digital multiplex is not just a transmission platform but is also a platform capable of delivering a diverse range of services from one or more content providers. The BSA aims to promote the availability of a diverse range of radio and television services offering entertainment, education and information, and promote the provision of high quality and innovative programming by providers of broadcasting services.³¹ In addition to traditional commercial and national television services, the BSA also regulates other content services, including subscription broadcasting services, datacasting services, narrowcasting services and internet services. As intended by Parliament, these services are all subject to different levels of regulation.³²

In addition to their traditional commercial or national television services, broadcasters have to date only been authorised to provide datacasting services on their digital television multiplexes.³³ They are expressly prohibited from providing open and subscription narrowcasting radio and television services, subscription radio and television services and commercial radio services.³⁴ This policy ensured that there was a focus on providing digital television services, which appealed to the widest possible audience and would drive the take up of digital television, during the switchover period.

³¹ These are objects of the BSA as outlined in paragraphs 3(1)(a) and 3(1)(f).

³² Subsection 4(1) of the BSA states that the Parliament intends that different levels of regulatory control be applied across the range of broadcasting services, datacasting services and internet services according to the degree of influence that different types of services are able to exert in shaping community views in Australia.

³³ Sections 100A and 102 of the Radcomms Act authorise the national and commercial broadcasters to transmit datacasting services in accordance with the conditions of datacasting licences.

³⁴ A commercial television broadcasting licence condition under paragraph 7(1)(p) of Schedule 2 to the BSA specifies that a commercial broadcasting licensee will not operate or permit the operation of a commercial or subscription radio service, a subscription television broadcasting service, or a narrowcasting service (either open or subscription). Clause 36 of Schedule 4 to the BSA sets out an equivalent requirement for a national broadcaster holding a transmitter licence.

However, now that switchover is complete, the Government is considering permitting television broadcasters to use their multiplexes to provide some other types of services.

Fewer restrictions on the types of services broadcasters can offer could provide broadcasters with the flexibility to consider new business models and different ways to present or monetise content. It could also provide them with the opportunity to provide different types of content to viewers.

However, if restrictions on the types of services provided on a digital television multiplex are relaxed then a broadcaster could, as an extreme example, choose to provide only one television service, and use the remainder of its spectrum to provide less regulated services, such as datacasting or narrowcasting services. This may provide services to consumers, but might not meet the public policy objectives that the regulation placed on broadcasting services is designed to achieve.³⁵

The digital television regulatory framework therefore needs to achieve a balance between ensuring a continuation of traditional broadcasting services to which a number of public policy regulatory objectives are attached, and providing the broadcasters with greater flexibility in providing different types of services.

2.1. Datacasting and narrowcasting services

Datacasting and narrowcasting services were originally introduced to allow the development of new and innovative services for consumers, while remaining distinct from traditional broadcasting services.

As these services are intended to appeal to special interest groups, or provide programmes of limited appeal rather than the broad appeal of traditional broadcasting services, they are less regulated. For example, a key difference is that such services are not subject to the same Australian content and captioning obligations that traditional broadcasting services attract. In practice however, the limitations that have been placed on narrowcasting and datacasting services has meant that their take up by potential licensees has been limited.

Datacasting licences, regulated under Schedule 6 to the BSA, have been available to potential new providers for more than a decade but commercial broadcasters have generally been the only

³⁵ Section 14 of the BSA defines commercial broadcasting services as services usually funded by advertising revenue that provide programmes that are made available free to the general public, able to be received by commonly available equipment, and that appear to be intended to appeal to the general public. Section 13 states that national broadcasting services do not include subscription broadcasting, or open or subscription narrowcasting services provided by the ABC or SBS.

providers of established datacasting services (such as the infomercial services TV4ME, Extra, Extra2 and TVSN).³⁶

To avoid complicating or delaying the deployment of long-term evolution (LTE) services in digital dividend spectrum, the *Broadcasting Legislation Amendment (Digital Dividend) Act 2013* amended Schedule 6 to the BSA so that only commercial and national broadcasters would generally be eligible to hold a datacasting licence. This has further restricted the applicability of the datacasting licensing regime in Schedule 6, which has now become largely redundant. The Government intends to remove datacasting provisions related to television in Schedule 6 and corresponding provisions in the Radcomms Act.

Broadcasters are currently prohibited from providing open narrowcasting radio and television services on a digital television multiplex.³⁷ Interest in providing these services, particularly open narrowcasting television, may grow as a means of supporting niche programming and audiences, in the absence of datacasting provisions. This could enable broadcasters to diversify the content they offer to consumers without necessarily requiring that services meet the same regulatory requirements as would apply to traditional broadcasting services.

The current definition of narrowcasting services outlines a range of ways in which a service may be considered to have limited reception, such as being intended only for limited locations, targeted to special interest groups or providing programmes of limited appeal. Given the limited use of television narrowcasting to date, there are relatively few examples of narrowcasting services. As the service is defined based on its content, there is room for interpretation as to whether a service is a broadcasting service or a narrowcasting service.

³⁶ The other use of datacasting was in the Channel 44 datacasting trial in Sydney, which was conducted between December 2003 and April 2010.

³⁷ Section 14 of the BSA defines commercial broadcasting services as broadcasting services that provide programmes that appear to be intended to appeal to the general public. Clause 7(1)(p) of Schedule 2 to the BSA prohibits the use of a transmitter operated by a commercial television broadcaster for an open narrowcasting radio or television service. Clause 36 of Schedule 4 to the BSA prohibits the use of a transmitter operated by a national broadcaster for an open narrowcasting radio or television service.

Category of service opinions³⁸

At the moment, the provider of a service can apply to the ACMA under section 21 of the BSA for an opinion as to which category or categories a broadcasting service falls into (i.e. commercial broadcasting services, subscription broadcasting services, open narrowcasting services etc.).

Over the last decade, the ACMA has been asked for section 21 opinions for television services on a relatively small number of occasions. Two examples are summarised below:

- > Ovation Channel (2010) – the ACMA determined this to fall within the subscription narrowcasting service category because it would provide programmes of limited appeal, that is, programming would be 93 per cent arts-related and include a substantial amount of repeat programming. It would also only be available on payment of a fee.
- > Setanta Sports (2006) – the ACMA determined this to fall within the subscription narrowcasting category of service. It concluded that reception of the service is limited because it provides programmes of limited appeal (confined to coverage of European soccer, rugby union and Gaelic games), and the service is encrypted and access limited to those with the necessary set-top unit and digital network connection.

While section 21 provides a mechanism for resolving categorisation, it remains possible for similar services to be categorised differently. This could mean that different regulation may apply to services that appear indistinguishable to the viewer and are accessed with common equipment.

Taking the example of a European sports service, if such a service were provided by a commercial television broadcaster as a multi-channel, it may look and feel to viewers as being similar to Setanta Sports³⁹. Yet unlike Setanta Sports, this service may not fall within a subscription narrowcasting category of service. It is possible that such a service may be considered a commercial television service and, as such, may be used to meet Australian content quota requirements for non-primary multi-channels.⁴⁰ However, if a television broadcaster then asked that the content on the non-primary multi-channel be considered as being of limited appeal (a narrowcast service) and hence not

³⁸ Both of these opinions may be found on the ACMA website www.acma.gov.au/

³⁹ Please note that this is being used as an illustrative example and is not bringing into question the nature of the Setanta Sports service or the opinion of the ACMA.

⁴⁰ Under current legislated arrangements, television broadcasters are required to broadcast 1094 hours of Australian programmes on channels other than the primary channel between 6 am and midnight in 2014 and 1460 hours in 2015 and following years (paragraphs 121G (2)(b) and (c)) of the BSA. It is up to the commercial television broadcasters as to how to meet this requirement and they may do so through relevant programming on one non-primary multi-channel or across their non-primary multi-channels during the stipulated viewing hours.

eligible to contribute to the Australian content requirements, then the broadcaster would be prohibited from transmitting it on their digital multiplex.

The example above highlights a tension for regulators between the extent to which restrictions should apply to services provided by television broadcasters and the fact that the greater the regulatory requirements placed upon them, the less likely new and innovative services will appear.

Preliminary Government position: Remove the datacasting regime in relation to television and remove the current restriction on providing narrowcasting services on digital multiplexes

The Government intends to remove datacasting provisions related to television in Schedule 6 to the BSA and corresponding provisions in the Radcomms Act. It is anticipated that arrangements will need to be put in place to allow the established datacasting services provided by commercial broadcasters to continue where necessary.

The Government also intends to remove the current restriction on commercial and national broadcasters providing narrowcasting services on their digital multiplexes. This will provide broadcasters with greater flexibility as to the types of services they provide. The Government will monitor the industry's response to this increased flexibility with a view to ensuring that services offered by broadcasters continue to meet the objectives of broadcasting legislation.

2.2. Third party content

In considering a more deregulated environment, with greater flexibility around the types of services provided by broadcasters, it is also important to consider the role of third party content providers.

A number of the current infomercial type datacasting services are provided through partnerships between commercial broadcasters and third parties such as Brand New Media, Brand Developers and the Direct Group.

Under current regulatory arrangements, the licensee of a commercial television broadcasting service could also offer a broadcasting service that was produced substantially or in full by a third party under a programme supply agreement. As a commercial broadcasting service, it would be required to meet the following conditions:

- > the content of the service appears to be intended to appeal to the general public
- > operated for profit or as part of a profit-making enterprise
- > usually funded by advertising.⁴¹

⁴¹ Section 14 of the BSA.

Under these circumstances, the commercial broadcasting licensee would have full responsibility for the service in terms of content, programming and meeting licence requirements. Any advertising revenue earned by the service would accrue to the commercial broadcasting licensee for licence fee purposes.

Given the Government's intention to provide commercial broadcasters with greater flexibility in their use of spectrum, there may be other models for the provision of third party content on broadcasters' multiplexes. For example, one approach would be to consider arrangements where the third party content provider, rather than the commercial broadcaster, retains editorial control and responsibility for the content. This would essentially mean that a broadcaster could 'rent' space on its multiplex to a third party content provider, without being responsible for meeting the relevant obligations applying to the service under the BSA.

Given that regulatory requirements under the BSA are generally placed on licensees, this arrangement would require third party content providers to be captured by some form of licensing. Such licensing, if implemented, would need to be clearly distinct from a commercial broadcasting licence, given the Government's commitment to maintain the prohibition on a fourth commercial broadcaster.⁴² However, concerns about increased competition from new broadcasters would be mitigated by the fact that it is a choice for the current broadcaster to decide the commercial and oversight arrangements that should apply to any multiplex 'renters'.

The Government's goal of increased flexibility for commercial broadcasters would also promote the exploration of new business models and ways for content providers to make new services available. This exploration could potentially lead to a significant shift in the role of commercial broadcasters and the type of services that may be provided on their digital television multiplexes.

Preliminary Government position: Maintain the current arrangements for third-party content while considering alternative frameworks

The Government will maintain the current arrangements for third-party content in the near term. However, the Government is interested in other options for the provision of third-party content by commercial broadcasters and their implications for licensing, regulation and spectrum use.

2.3. Subscription services

Commercial and national broadcasters are currently prevented from providing subscription radio and television broadcasting services and subscription radio and television narrowcasting services.⁴³

⁴² Section 37A of the BSA limits the number of commercial broadcasting licences to three.

⁴³ Paragraph 7(1)(p) of Schedule 2 to the BSA.

Allowing commercial broadcasters to provide subscription services, particularly television and narrowcasting services, alongside their commercial television services is another option for providing greater flexibility in the use of their multiplex.

This would allow commercial broadcasters to diversify their business model through a combination of free-to-air and subscription services (that may be categorised as broadcasting or narrowcasting). Given the limitations of their available spectrum, it is unlikely that commercial broadcasters could provide a subscription offering comparable to the current number and range of services provided by subscription television broadcasters. It should be noted that broadcasters are not prevented from offering subscription services on other platforms, such as online through catch-up services or via Hybrid Broadcast Broadband Television (HbbTV) technology offered by the FreeviewPlus service (these are discussed further in section 2.4).

However, broadcasters are provided with spectrum, a valuable public resource, on the expectation that their services are made freely available to the public⁴⁴ (with commercial broadcasters primarily earning revenue through advertising). A subscription service is fundamentally different and authorising such services would represent a substantial cultural and policy shift in the broadcasting landscape.

Preliminary Government position: No change to the restriction on broadcasters providing subscription services

The Government intends to retain the current restriction on commercial and national broadcasters providing subscription television services on their digital television multiplex. Broadcasters are provided with spectrum on the expectation that their services are available to the public free of charge. Allowing broadcasters to provide subscription services would represent a significant cultural and policy shift.

2.4. Online services

Free-to-air television services have traditionally been delivered to viewers terrestrially using spectrum designated as Broadcasting Services Bands (BSB) spectrum by the ACMA. Increasingly, online mechanisms for the delivery of television which do not use BSB spectrum are being developed. Broadcasters now offer catch-up television services which provide viewers with greater

⁴⁴ Section 14 of the BSA defines commercial broadcasting services as services usually funded by advertising revenue that provide programmes that are made available free to the general public, able to be received by commonly available equipment, and that appear to be intended to appeal to the general public.

freedom to decide when to watch television shows. These services include Plus7, 9Jumpin, tenplay, ABC iView and SBS on-demand.⁴⁵

HbbTV provides another means by which viewers can access television services in a combination of non-traditional and traditional viewing. HbbTV is an open content delivery standard that integrates free-to-air television broadcasting services with content delivered over broadband internet. It delivers a mixture of digital free-to-air broadcasting and internet-provided television received through a digital television, or set-top box, broadband connection and connected devices, such as a Smart television. HbbTV can provide access to television programs and can also provide an overlay of internet-delivered content over a traditional free-to-air broadcast, allowing interactive functions such as voting and social networking.⁴⁶ In Australia, HbbTV is provided by FreeviewPlus⁴⁷, which provides a television service using broadband to deliver access to catch-up television services across all broadcasters through the use of a FreeviewPlus certified television receiver connected to broadband internet.⁴⁸ FreeviewPlus does not yet provide any new channels other than those currently broadcast using BSB spectrum.⁴⁹

Content delivered via HbbTV would be regulated under current broadcasting and internet regimes. However, the BSA sets out separate frameworks and styles for the regulation of broadcasting services and internet services. In some cases, broadband and broadcast content will be treated in substantially the same manner, for example under the *Tobacco Advertising Prohibition Act 1992*. In other cases, broadcast and broadband content will be treated differently, even if the content is substantially the same. Broadcast content must comply with licence conditions in Schedule 2 to the BSA and relevant broadcasting codes, while HbbTV broadband content would need to comply with the online content regime in Schedules 5 and 7 to the BSA.⁵⁰ HbbTV broadband content that has also been broadcast using BSB spectrum would be regulated under both regimes.

Preliminary Government position: Further work should be undertaken in 2015 on the commercial and regulatory implications of free-to-air television services being delivered using online platforms, in the context of the Government's deregulation agenda

⁴⁵ Freeview Catch Up. [Freeview Catch Up Website](#)

⁴⁶ Khan, F. HbbTV and FreeviewPlus: Everything you need to know. (2014, September 2). techradar. [Techradar's FreeviewPlus Article](#)

⁴⁷ Khan, F. HbbTV and FreeviewPlus: Everything you need to know. (2014, September 2). techradar. [Techradar's FreeviewPlus Article](#)

⁴⁸ Questions about FreeviewPlus. [FreeviewPlus Online FAQ](#)

⁴⁹ Questions about FreeviewPlus. [FreeviewPlus Online FAQ](#)

⁵⁰ Schedules 5 and 7 to the BSA set out a co-regulatory system for the regulation of offensive and illegal online content. Schedule 5 applies to internet content hosted outside Australia, and Schedule 7 applies to content services hosted in or provided from Australia.

The Government considers that developments in the online delivery of free-to-air television services may offer opportunities to the broadcasting industry to provide new and diverse services to their viewers. The Government is interested in getting feedback on the potential use of alternative technologies which do not use BSB spectrum for the delivery of television services and the impact this could have both on the regulatory framework and on broadcasters' business models in the future.

As a general comment, the issues set out in Section 2 of this paper highlight the complexities of applying the long-standing broadcasting licensing framework – built around separate categories of 'traditional' television and radio services – on the modern digital media environment. There is a wider question of whether new forms of broadcasting licensing are required to accommodate the range of different possible media services using or associated with broadcasting spectrum. Aspects of this are further discussed in Part 3.2 below.

Implementation Questions

6. What form of regulation should there be for services that are indistinguishable to viewers from more regulated services and accessed with common equipment, such as HbbTV?
7. What arrangements may be required to allow currently established datacasting services provided by commercial broadcasters to continue where necessary after the repeal of the datacasting provisions in the BSA and Radcomms Act?
8. Other than narrowcasting services, are there any other types of services which broadcasters should offer on their television multiplexes?
9. Is it likely that commercial television broadcasters will want to use their multiplexes and hence spectrum to offer third party content that they are not responsible for under the relevant broadcasting legislation? If so, what form of regulation would be appropriate to ensure such content was provided in a manner consistent with commercial broadcaster provided content?
10. How important is it that broadcasters have the regulatory flexibility to make greater use of new technologies to deliver their television services to viewers?

3. Commercial and national broadcasters should deliver their services through spectrally efficient mechanisms

3.1. More efficient broadcasting technologies

All free-to-air television services in Australia are currently transmitted using the MPEG-2 compression standard. This allows each broadcaster to provide approximately five SD services with mid-quality pictures, or fewer services if one or more HD services are provided. More efficient broadcasting technologies, such as the MPEG-4 or DVB-T2 standard, allow a significant increase in

the number of services that could be provided within the same spectrum allocation.⁵¹ Internationally, many countries are already using the MPEG-4 standard for digital television services.

MPEG-4 video compression (also known as H.264) uses spectrum much more efficiently and would allow broadcasters to use their existing spectrum to deliver more services and content, including spectrum hungry formats such as high definition. The MPEG-4 standard can reduce the data rate used by each video stream by up to 50 per cent compared to MPEG-2 compression⁵². A lower improvement generally applies to bit rates for HD services. While the number of MPEG-4 services that could be introduced into any digital television multiplex depends on a large number of variable factors, a reasonable estimation is that up to ten SD services could be provided.

Use of more spectrum efficient technologies offers significant benefits for broadcasters. It can allow reduced transmission costs (which represent a major component of expenditure) while retaining, and potentially still increasing, the number of services that they can provide. Industry has also estimated that, as at late 2013, more than 80 per cent of the main digital television sets in Australian homes were capable of receiving MPEG-4.⁵³ MPEG-4 receivers are backwards compatible, able to also receive MPEG-2 services. This suggests that a phased transition from the transmission of MPEG-2 to MPEG-4 only services by broadcasters is possible without significantly impacting on consumers. In recognition of the efficiency and the potential for new services, in his keynote speech to the 2014 RadComms Conference, the Minister encouraged broadcasters to move to the MPEG-4 standard⁵⁴.

While the use of MPEG-4 provides a first step in the use of more spectrum efficient technologies, there are other broadcasting and receiver standards (such as DVB-T2 and HEVC) that offer still further efficiencies. As the pace of technology change increases, the availability of new and more efficient standards may become more frequent than has historically been the case. This suggests that planning for such transitions will be increasingly important, to ensure Australian broadcasters and consumers are well placed to take advantage of the opportunities presented by these new technologies.

Preliminary Government position: Broadcasters should commence the transition process to transmit their services in MPEG-4

The Government will consult with and encourage television broadcasters to commence their transition to using MPEG-4 technologies. Subject to the extent of the roll-out of such services, the Government may consider setting a deadline by which broadcasters are required to transmit

⁵¹ A 2012 discussion paper released by the ACMA on the future technical evolution of terrestrial television in Australia can be found at [ACMA Discussion Paper - Future Evolution of Digital Terrestrial Television](#).

⁵² Advice provided to the Government by the ACMA, 2014.

⁵³ Presentation to the Department, 17 December 2013.

⁵⁴ Keynote speech to the RadComms 2014 Conference [Minister for Communications' Website - Spectrum in the age of Digital Innovation](#)

MPEG-4 only services following consultation with industry. The Government also encourages the broadcasting and manufacturing industries to explore adopting additional spectrum efficient technologies in the future.

3.2. Digital television multiplex licensing arrangements

Before the introduction of digital television, a television broadcaster's spectrum allocation was used to provide a single analog television service. The introduction of digital television legislation gave the commercial and national television broadcasters an additional 7 MHz of spectrum within which to provide a simulcast of their analog service.

Even today, much of the television broadcasting legislation in the BSA and the Radcomms Act is based upon the notion that a transmitter licence granted to a commercial or national broadcaster will allow them to provide a single primary channel. A transmitter licence granted under the Radcomms Act is directly tied to the commercial television broadcasting licence granted under the BSA authorising a licensee to provide certain services. That is, licences granting access to spectrum (transmitter licences) are automatically provided to those with a commercial broadcasting licence. This transmitter licence gives the relevant broadcaster the ability to transmit their services (as authorised under the BSA) in an allocated 7 MHz of spectrum. Transmitter licences held by national broadcasters also permit them to operate in an allocated 7MHz of spectrum.

However, digital technology allows for multiplexing where one digital transmitter can provide a platform for multiple streams of content at the same time. So in the digital environment broadcasters have been authorised to provide additional services. But, while current legislation does not easily allow broadcasters to share their digital television multiplexes with other content providers or broadcasters, under some regulatory frameworks such arrangements are the norm.

In the Australian digital radio multiplex regime and the digital television multiplex regime in the UK⁵⁵, different content providers and licensees share the same digital multiplexes. In addition, the content platform and the transmission platform are treated and licensed quite distinctly. Broadcast and transmitter licences can be held by different parties with a regulatory body such as the Australian Competition and Consumer Commission in Australia or Ofcom in the UK, having oversight of access arrangements to the digital multiplex.

A 'decoupled' licensing regime allows the multiplex owner (whether a company owned by a broadcaster(s) or a third party) to allow other content providers to access that multiplex for a reasonable fee, negotiated commercially. This approach creates incentives for the spectrum to be used as efficiently as possible while allowing content providers to share the spectrum they are transmitting on and provide a range of content to be delivered to viewers.

⁵⁵ In the United Kingdom, there are six digital terrestrial multiplexes, upon which approximately 66 television services are provided.

While the Government does not intend to require commercial television broadcasters to share their multiplexes, it does want to provide them with the flexibility to choose to do so if they wish. Combined with a phased transition to more efficient broadcasting technologies (discussed in section 3.1), such licensing arrangements would allow them, over time, to share their transmission infrastructure and deliver their services at significantly reduced costs.

As the Minister indicated at the Radcomms Conference, the Government expects the national broadcasters to lead the way in relation to television broadcasters sharing spectrum and multiplexes. This should allow the ABC and SBS to achieve substantial future cost savings in relation to the terrestrial transmission of their television services. These broadcasters already have similar arrangements in place for the terrestrial transmission of their digital radio services. Taking the lead in spectrum sharing will help pave the way for commercial television broadcasters to realise the benefits of sharing transmission infrastructure costs.

Preliminary Government position: Digital television multiplex licensing will be introduced

The Government will commence discussions with the national broadcasters to develop a spectrum sharing arrangement for the terrestrial delivery of their television services. The Government will also commence consultation and planning for introducing alternative digital multiplex licensing arrangements, including the potential to share digital television multiplexes for commercial broadcasters.

Implementation Questions

- 11.** How can the Government support the broadcasting and manufacturing industry in managing a transition to MPEG-4 only television?
- 12.** Should the Government consider any legislative mechanisms such as technical standards for MPEG-4 terrestrial transmitters and/or television receivers?
- 13.** By what date does the broadcasting and manufacturing industry consider that MPEG-4-only television could be achieved?
- 14.** What does the industry consider should be the future standard(s) for broadcast television in Australia? Should a pathway to next generation technologies such as DVB-T2 or HEVC also be considered?
- 15.** What consumer issues are raised by the transition to new transmission standard such as MPEG-4?
- 16.** Are there any alternative arrangements to digital television multiplex licensing that the Government should consider?
- 17.** Are there other ways commercial television broadcasters can be encouraged to share or utilise their spectrum more efficiently?
- 18.** How might national broadcasters implement spectrum sharing while maintaining their distinct television services?

4. How to provide comment

The Department welcomes submissions on the issues discussed in this paper. Submissions may respond to some or all of the proposals or questions raised throughout the paper, or can raise a matter not explicitly addressed, as long as it is pertinent to digital television regulation. Submissions should include the respondent's name, organisation (if relevant) and contact details.

Submissions on the proposals should be provided by **5.00pm (AEDT) on Tuesday, 31 March 2015**.

Written comments can be lodged in the following ways:

Email: dtvreview@communications.gov.au

Mail: Manager
Services and Regulation Section
Media Branch
Department of Communications
GPO Box 2154
CANBERRA ACT 2601

4.1. Publication

Respondents should be aware that written submissions will generally be made publicly available, including on the website of the Department of Communications (www.communications.gov.au). The Department reserves the right not to publish any submission, or part of a submission, which in the view of the Department breaches applicable laws, promotes a product or service, contains offensive language, may offend or vilify sections of the community, does not substantively comment on matters within the scope of the review, contains potentially defamatory material, or where it considers it appropriate to do so for confidentiality or other reasons. In making a submission, you provide the Commonwealth with a permanent, irrevocable, royalty-free licence to use, reproduce, adapt, and communicate your submission both online and in any other related documents (for example, in a future paper or report).

4.2. Confidentiality

Unless a contributor specifies otherwise, the Department will treat submissions as non-confidential and publish each submission on its website after the submissions period has closed. Please indicate whether any submission (or part of your submission) is confidential or sensitive to ensure that it is not published. Alternatively, you may choose to provide an additional version of that submission for public release.

Even when the Department agrees to keep a submission or part of it confidential, the obligation of confidence will not be breached where the Department discloses the information to a House or

Committee of Parliament, relevant Ministers, Commonwealth entities (where this meets the Commonwealth's legitimate interests), within the Department and to its advisors, or where authorised or required by law. The Department cannot guarantee the confidentiality of information released through these or other legal means. The Department will treat any personal information provided in accordance with its Australian Privacy Principles Privacy Policy (see www.communications.gov.au/privacy). Note that submissions will generally be subject to the *Freedom of Information Act 1982*.

4.3. Privacy

The Department has obligations under the *Privacy Act 1988*, which establishes certain principles with respect to the collection, use, and disclosure of information about individuals. In particular, the Privacy Act contains the Australian Privacy Principles which govern how the Department collects, uses, discloses and stores personal and sensitive information, and how individuals can access and correct records containing their personal or sensitive information.

If you include any personal information and/or sensitive information in your submission, this information will be collected by the Department. By providing the Department with your personal information and/or sensitive information in your submission (or, if relevant, in your communication enclosing the submission), you consent to the Department collecting, using and disclosing that information in accordance with this notice.

As part of considering your submission, the Department may use your personal and/or sensitive information for the purpose of consideration of the issues raised in this consultation paper, and developing policies and programmes in relation to the subject of this consultation paper. Further, the Department may also disclose your personal information to its Minister, its Parliamentary Secretary or other government agencies and by placing the public version of your submission (including personal information included in the submission and such information as is required to identify who made the submission, such as your name) on the Department's website, which means it may be viewed by individuals in Australia or overseas.

Respondents should clearly indicate in their submission if they do not wish to have their name or other information included in any submissions or summary of submissions that the Department may publish.

If you do not consent to the Department's collection, use and disclosure of your personal information, please do not provide your personal information to the Department. If you have already provided your information to the Department, please notify the Department immediately (see contact details on page 27).

For further information, including in relation to how to access or correct personal information, or to make a complaint, please see the Department's Australian Privacy Principles Privacy Policy (see www.communications.gov.au/privacy).

A. Abbreviations / Glossary

ACMA	Australian Communications and Media Authority
ASAP	Additional Services Assistance Program
BSA	<i>Broadcasting Services Act 1992</i>
BSB	Broadcasting services bands spectrum is that part of the radiofrequency spectrum used for the terrestrial delivery of broadcasting services.
datacasting	services are allowed to provide the following types of content: information-only programmes (including matter that enables people to carry out transactions), educational programmes, Parliamentary broadcasts, text or still visual images, email, internet content, content and interactive computer games. Please refer to Part 1 of Schedule 6 to the BSA for additional information.
DVB-T2	Digital Video Broadcasting (DVB) is a family of technical platform standards developed by an industry-led international consortium of broadcasters, manufacturers, network operators, software developers, regulatory bodies and others. Australia currently uses DVB-T. DVB-T2 is a more spectrally efficient successor to DVB-T.
HAS	Household Assistance Scheme. The Household Assistance Scheme was an Australian Government scheme to provide practical assistance to older Australians, veterans and people with disabilities (or their carers) to make the switch to digital television. As part of this assistance, high definition set-top-boxes were provided.
HbbTV	Hybrid Broadcast Broadband TV is an open content delivery standard that integrates free-to-air television broadcasting services with content delivered over broadband internet. It delivers a mixture of digital free-to-air broadcasting and internet-provided television received through a digital television, or set-top box, broadband connection and connected devices. HbbTV can provide an alternative method for viewing television content and can also provide an overlay of internet-delivered content over a traditional free-to-air broadcast.
HD	High definition format for higher resolution digital television services.
HEVC	High Efficiency Video Coding is a video compression standard. It is a more efficient successor standard to MPEG-4
LTE	Long-Term Evolution, commonly marketed as 4G LTE, is a standard for next generation wireless broadband
MHz	Megahertz

MPEG-2, MPEG-4	These are video compression standards developed by the Moving Picture Experts Group. MPEG-4 is a more efficient standard than MPEG-2 which is currently used by Australian free-to-air broadcasters.
narrowcasting	Narrowcasting television or radio services may be targeted to special interest groups or intended for limited locations or provided during a limited period or provide programmes with limited appeal. Regulatory requirements applying to broadcasting television and radio services do not apply to narrowcasting services. Please refer to sections 17 and 18 of the BSA for additional information.
Radcomms Act	<i>Radiocommunications Act 1992</i>
SD	Standard definition format for digital television services.
simulcast period	This is the period in a licence area that commences when digital television services are first transmitted and ceases when analog services are switched off, which may be on the same day or for a period of some years.
‘solus’ markets	‘Solus’ markets are the Mt Gambier/South East, Riverland, Broken Hill and Spencer Gulf licence areas where all the commercial services are provided by the same party.
VAST	Viewer Access Satellite Television