**Australian Communications and Media**

**Authority submission**

Response to Department of

Communications and the Arts Review of Viewer Access Satellite Television (VAST)

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# Executive summary

The Australian Communications and Media Authority (ACMA) welcomes the review of the Viewer Access Satellite Television (VAST) service by the Department of Communications and the Arts and opportunity to provide this submission.

In its role as the regulator of radiocommunications, including broadcasting, the ACMA plays two key roles in relation to viewer access to the VAST service.

* First, a key feature of the VAST system is a conditional access scheme that limits access to commercial television services on VAST to people living in the remote licence areas VAST commercial service providers are actually licensed to serve, and to people in other areas who are unable to obtain access to terrestrial commercial TV services from their local licensees. The ACMA’s role includes establishing and maintaining the regulatory instruments underpinning the conditional access arrangements. It also considers appeals from viewers who have applied for, but been denied access to commercial services on VAST.
* Second, the ACMA – in its role assisting TV viewers with reception difficulties – hosts a website, mySwitch, which provides information to the public about predicted TV coverage at viewers’ addresses. mySwitch also provides the entry-point or ‘front counter’ for members of the public seeking to access VAST.

The submission addresses four aspects of the VAST review - feedback on VAST, changes in technology, the operation of the conditional access scheme and the future of mySwitch, consistent with the role of the ACMA and the terms of reference of the VAST review.

The *feedback on VAST* part of the submission provides comments and feedback from viewers about VAST that the ACMA regularly receives by performing its role of providing support to viewers experiencing issues with TV reception and interference. While viewers tend to prefer terrestrial TV, satellite is an essential part of the transmission mix, especially as providing universal terrestrial TV coverage to all Australians is not possible and satellite service is unavoidable for programming input feeds to the many terrestrial transmitters.

Under the *changes of technology* section of the submission, the ACMA offers high level view on alternative options to VAST, based on its role in planning terrestrial broadcaster services and spectrum management responsibilities. The submission emphasises that any changes or modifications in service delivery technology (even if delivered by satellite) require consideration of the respective costs and benefits to industry, householders and government. This includes consideration of the change management process for viewers, the development of appropriate transition arrangements and the provision of enough time for viewers to transition. In terms of alternative delivery options, satellite delivery remains the most effective way to provide TV services for the last few percent of households located in areas with no TV coverage. Ongoing technical advances in satellite platforms enable improvements addressing some of the perennial viewer concerns around satellite, with options to offering more locally relevant content and allow householders to feed multiple TV sets from one satellite box.

The *conditional access* part of the submission explains how the current VAST conditional access scheme works for TV viewers and comments on whether the conditional access scheme for commercial television is necessary and if so, how it could be improved. While in general the existing CAS would appear to have served its purpose, the ACMA presents some options to improve the experience of viewers in areas of poor terrestrial reception who seek access to VAST. When considering the ongoing need for the conditional access scheme, the practical implications of territory-specific program rights need to be taken into account. As a starting-point, however, the ACMA believes that remote viewers should be able to enjoy the benefit of access to all services planned for their market through a single, affordable external aerial or satellite antenna.

In its final part, the submission explains a critical role of the aging mySwitch website for the VAST access approval process. While the general public still makes extensive use of mySwitch, the tool is now almost 10 years old and may not be sustainable as maintenance and support becomes increasingly problematic. Any consideration of the future of VAST should take account of the future of the mySwitch tool.

# Introduction

The Australian Communications and Media Authority (the ACMA) is an independent statutory authority. It was established in 2005 to be a converged regulator responsible for broadcasting, radiocommunications, telecommunications and online content. It has a complex regulatory remit spanning some 26 Acts, including the *Broadcasting* *Services Act 1992* (BSA).

Under the BSA, the ACMA’s broadcasting functions cover broadcast spectrum planning, licensing, media control rules, registration of industry codes and standards, and complaints and investigations functions.

The ACMA welcomes the release of the Review of the Viewer Access Satellite Television (VAST) service—issues paper (the Issues paper) by the Department of Communications and the Arts (the Department) and the opportunity to provide comments and additional information.

In supporting the VAST program, the ACMA has the following roles under the BSA:

* The ACMA is responsible for registering a Conditional Access Scheme (CAS) developed by a body representing commercial broadcasters (CAS administrator).
* The ACMA may, by legislative instrument, formulate a CAS for the licence area.
* The ACMA may, by legislative instrument, determine what constitutes adequate reception.
* The ACMA declares, under certain conditions, service deficient areas;
* The ACMA can determine certain terrestrial retransmissions services to be applicable broadcasting services for the CAS purposes.
* This allows a retransmission service provided and managed by relevant broadcasters to be classed as a broadcaster provided service for the purpose of the CAS, while a retransmission service provided by a local council is not (so viewers can still access VAST).
* The ACMA manages the complaints from viewers if their application for VAST has been rejected by the CAS administrator.

Considering the roles of the ACMA, the terms of reference of the Review and specific questions in Section 6 of the VAST Issues paper, this submission covers the following areas:

* **Feedback on VAST** – As the Federal Government agency responsible for providing support to viewers experiencing issues with TV reception and interference, the ACMA regularly receives comments and feedback from viewers about VAST that is relevant to the Review.
* **Changes in technology and distribution network** – The role played by the ACMA in planning terrestrial broadcaster services as well as its broader spectrum management responsibilities have informed its high level view on alternative options to provide access to free-to-air TV to viewers in areas without terrestrial TV coverage, including whether satellite delivery remains the optimum approach in all areas.
* **Conditional Access and regulatory arrangements around VAST/CAS** – Based on the ACMA’s experience in establishing and administering the conditional access scheme that underpins viewers’ access to VAST, the submission examines how the current process is working, including appeals made to the ACMA where access to VAST has initially been refused by the CAS administrator.
* **The role and future of mySwitch** –the aging mySwitch website (<https://myswitch.digitalready.gov.au/>) plays a critical role in the VAST access approval process. Any consideration of the future of VAST needs to address the future of mySwitch.

# Feedback on VAST

**Issues before VAST**

When considering the future with or without the VAST service, it is worth considering the characteristics and challenges of the pre-VAST television landscape.

Substantial numbers of Australians live in or travel through areas that have never been able to receive any terrestrial TV signal. Digitisation of terrestrial television has exacerbated this problem, as analogue television reception decays gradually over distance, whereas digital reception features a ‘cliff effect,’ i.e. reception abruptly cuts out altogether below a certain signal strength.

VAST allowed people living in or travelling through remote and other areas without terrestrial TV coverage to receive, for the first time, the same TV programming and picture quality as could be received in metropolitan and most (now all) regional areas on the digital terrestrial television platform.

A second government decision taken at the time - to rely on VAST reception in many areas that had previously enjoyed analogue reception of one or more terrestrial television services - further increased the numbers of viewers who were reliant on satellite delivery of television compared to the analogue era.

Prior to the introduction of VAST, viewers outside of terrestrial coverage areas could only receive four television services, ABC, SBS and two commercial services, provided on the Aurora satellite platform. The satellite offering closely matched the analog terrestrial television services provided to the remote broadcasting licence areas, and was substantially inferior to the digital offerings in metropolitan and regional markets. Similar to VAST today, the Aurora platform also provided an alternative for viewers with inadequate terrestrial reception in metropolitan and regional markets.

Aurora had a different funding model to VAST – one less reliant on government support (although it should be noted that the government did substantially support the cost of satellite distribution). A corollary was that the commercial television offering, in particular, was inferior to the commercial offering available in most terrestrial markets, particularly in major cities. This reflected the relatively tiny advertising revenue to be drawn from remote areas relative to the costs of distribution.

A second feature of the Aurora model was greater decentralisation of responsibility, with different actors operating in different markets and individual contractual agreements between broadcasters and satellite operators.

This multiplicity of actors necessitated ongoing coordination between the satellite network operator, broadcasters and government through a regular forum, which was convened by ACMA and prior to that the Australian Broadcasting Authority. This regular coordination was needed to address intermittent requirements to review and upgrade satellite carriage arrangements, ensure consistency with service provision and manage consequential impact and cost on viewers. As satellite reception typically requires householders to obtain and install satellite receivers and dishes, changes in satellite arrangements may entail considerable costs for viewers. Receivers must be replaced and dishes repointed or replaced. Changes that yield savings to a broadcaster may well result in additional expenditure for viewers, leading to questions about the equitable division of costs for television coverage between government, industry and audience. Any significant changes in satellite broadcasting arrangements also posed significant change management and public information provision challenges.

**VAST today**

In performing its role as the agency responsible for providing support to viewers experiencing issues with TV reception and interference, the ACMA regularly receives comments and feedback from viewers on VAST. In general, this feedback is consistent with feedback on VAST outlined in Section 4.1 of the VAST issues paper.

Some viewers, particularly those who used to rely on fortuitous analog terrestrial coverage in the past, or who live in areas where analog self-help transmission sites were not converted to digital, have expressed their preference for terrestrial TV reception, mostly due to:

* Local content (advertising, news, sport);
* Higher cost of installation and limited range and functionality of the VAST boxes comparing to terrestrial TV receivers (for instance, VAST requires a separate box for each TV set for the full independent functionality);
* Confusion/lack of information about VAST access approval process.

While viewers tend to prefer terrestrial TV for the reasons outlined above, satellite is an essential part of the transmission mix. As discussed further below, providing universal terrestrial TV coverage to all Australians is not possible. Some kind of satellite service is also unavoidable for input feeds to the many terrestrial transmitters that it is not cost-effective to supply with programming in any other way.

At present, remote commercial television broadcasters such as Imparja Television, Southern Cross QLD, WIN WA, Prime WA and their joint ventures make substantial use of VAST to feed their broadcast sites. This includes 49 TV sites in remote WA broadcasting licence area and 28 TV sites in the Remote Central and Eastern broadcasting licence area. In some areas, local communities have invested funds to establish and operate their own retransmission facilities. ACMA records indicate that approximately 48 community licensed retransmission sites utilise VAST as the source for the program input source. These sites provide coverage to areas with approximately 22,000 residents.

In addition to carrying television services, the VAST platform carries an extensive range of radio services. The ACMA understands that many FM radio retransmission sites utilise VAST as the source of their national content. Many metropolitan, regional and remote community transmissions also source content via VAST. ACMA data on the number of such sites is limited. A rough estimate is 300 sites with national retransmissions and 500 sites sourcing community content. Data on the number of sites may be available from a program delivered by the Department in 2013 that funded the installation of VAST satellite receivers.

# Changes in technology and distribution network

The Issues paper identifies advances in TV transmission technology and new options for the delivery of communication services which have become available since VAST was introduced in 2010. As a result, there may be alternatives or improvements to VAST in terms of delivery of free-to-air TV services to areas without reliable terrestrial TV reception.

Any changes or modifications in service delivery technology (even if delivered by satellite) require consideration of the respective costs and benefits to industry, householders and government. For example, householders that use VAST have already invested in the installation of the receive equipment (or received assistance through the Government’s Householder Assistance Scheme and Satellite Subsidy Scheme during the digital conversion process). Additionally, some communities have invested funds to establish and operate TV retransmission facilities that rely on VAST to provide the input programming feed.

Subject to the nature and degree of the charge of the delivery platform, appropriate transition arrangements and access schemes would need to be developed to allow the new delivery platform to be implemented and viewers to transition from VAST.

Viewers and industry should be given enough time to transition and the question will inevitably arise whether government should develop schemes to help certain categories of viewers to transition to the new platform, similar to the Household Assistance Scheme.

In assessing the technical suitability and cost of transition to alternative delivery platforms, the ACMA recommends consultation with the delivery network operators, who would be the best positioned to provide relevant detailed advice on the options.

While increases in the capacity, efficiency and affordability of digital distribution networks have changed viewing habits to some extent, the traditional forms of terrestrial TV reception and linear viewing remain the predominant way of consuming free-to-air content.

As set out in Section 1, some viewers have a strong preference for terrestrial TV. However, greater reliance on terrestrial coverage is not a viable alternative to some kind of satellite backup to the terrestrial system. As most areas of denser population are already served terrestrially, any significant increase in the percentage of Australians enjoying terrestrial coverage would require re-transmissions at huge numbers of additional sites. ACMA analysis in 2015 identified potential TV black spots in over 900 areas or locations in metropolitan, regional and remote Australia. Unfortunately, this would still leave substantial numbers of viewers unserved.

Expanding terrestrial coverage requires both capital investment and ongoing operational expenditure. Capital funding is required to establish the transmission sites, including provision of input program feeds (if a terrestrial input feed is required, the cost can be substantial). There are also ongoing operational and maintenance costs.

Much cheaper terrestrial re-transmission options exist (than broadcaster-grade re-transmission arrangements) and were a common feature of the landscape in the Aurora era, typically provided by local governments. However, these options come with increased risks (unreliability) and usually entail an inferior offering for viewers as well.

Satellite delivery remains the most effective way to provide TV services for the last few percent of households located in areas with no TV coverage. Ongoing technical advances in satellite platforms include:

* new modulation technologies,
* ongoing improvements in video compression, and
* satellite receiver boxes that enable multi-device and multi-room video consumption.

These may enable improvements addressing some of the perennial viewer concerns around satellite, e.g. by offering more locally relevant content (via smaller satellite footprints) and allowing householders to feed multiple TV sets from one box. The cost of satellite receive system installation has declined in the past few years and this trend is also likely to continue.

By the same token, advances in satellite technology may also offer savings in the provision of direct to home satellite TV, while noting the earlier comments in this submission about the need to consider costs to viewers as well as government and broadcasters, and the need for change management of any significant alteration of current transmission arrangements.

The ACMA expects the Review will consider any scope for a longer-term convergence of the VAST and NBN satellite broadband platforms, noting that many households that are reliant on NBN satellite will also be reliant on VAST.

# VAST and the ACMA, including Conditional Access

**The ACMA’s formal roles in relation to conditional access**

Under the BSA, the ACMA performs a number of roles related to establishing the conditional access to VAST. This includes registering a conditional access scheme (CAS) developed by a body representing commercial broadcasters and fall-back options to formulate a conditional access scheme itself for the licence area, determining by legislative instrument what constitutes ‘adequate reception,’ determining certain retransmissions to be ‘applicable broadcasting services’ for the purposes of the conditional access scheme, and declaring ‘service deficient areas’.

Once registered by the ACMA, the CAS process is managed by the CAS administrator and overseen by the ACMA. The ACMA also considers requests for review from rejected VAST applicants. Unlike the ACMA’s roles in the establishment of conditional access arrangements, its application review role is ongoing and affects substantial numbers of television viewers.

**How does conditional access to VAST work for TV viewers?**

For a residential viewer who is seeking satellite access to commercial television services, the CAS process can be described as follows:

* Viewers living in the remote licence areas (so-called Category A areas for CAS purposes), or in a part of a regional or metro licence area that has no predicted terrestrial coverage (so-called Category B areas for CAS purposes), or in a declared service-deficient area[[1]](#footnote-2), will have access to the VAST services enabled upon submitting an application. The process appears to be straightforward: if an address in one of these areas is keyed into the mySwitch webside, it will advise the inquirer they are eligible for access based on their address.
* Viewers located in a part of a regional or metro licence area that has predicted terrestrial coverage (so-called Category C areas for CAS purposes) are only entitled to access commercial services on VAST if their terrestrial reception is not adequate. If an address in a Category C area is typed into mySwitch, it will advise the inquirer that they are not automatically entitled to access the commercial VAST services, but that they have the right to apply for a VAST reception certificate to access VAST. mySwitch offers a link to the application process.
* The maps shown on mySwitch do not disclose the boundaries of the Category C areas. Whether an address falls into Category C is determined by a separate coverage modelling tool supplied by the commercial broadcasters and embedded into the mySwitch algorithms. The broadcasters’ coverage prediction model appears to be generally less conservative than that used by the ACMA in mySwitch, that is, it usually predicts larger Category C areas than mySwitch itself. The result is that a viewer at an address in a Category C area will fall into one or other of two sets of locations:
* locations where both models predict terrestrial coverage; or
* locations where the broadcasters’ coverage model predicts terrestrial coverage, but the mySwitch tool itself does not[[2]](#footnote-3).
* The ACMA does not have visibility of the assessment method employed by the CAS administrator when considering applications for reception certificates. The best understanding of ACMA staff is that on receipt of the application, the CAS administrator makes a decision based on desktop modelling analysis, using broadcasters’ coverage prediction model which, as already mentioned, differs from mySwitch, as well as mySwitch and tools for street level view to observe the local environment.
* Rejected VAST applicants have the option to appeal to the ACMA. This is a time-consuming process for the applicant, typically taking from 6-8 weeks before permission to access VAST is obtained.
* Following receipt of an appeal, the ACMA gives the VAST administrator an opportunity to provide evidence that the VAST applicant has adequate reception of all of the commercial services for that area.
* In practice, apart from one instance, the CAS administrator has never provided any additional evidence, and to date the ACMA has agreed to all appeals about VAST access in Category C areas. There are two reasons for this 100% success rate:
* The coverage prediction tools relied on by the CAS administrator give statistical predictions only and do not provide sufficient evidence that coverage is available at any given point on the map. Coverage modelling is limited by the accuracy and resolution of terrain and propagation modelling and inability to take into account all local impediments, such as foliage, vegetation or nearby obstructions, which may affect TV reception. This is true of all coverage prediction models. Coverage modelling is also unable to take account of any intractable local interference problems that may render an otherwise adequate signal unwatchable.
* When considering appeals, there is a statutory presumption in favour of the appellant householder - that is, the ACMA is to presume that the person does not have adequate reception unless the scheme administrator satisfies it that they do[[3]](#footnote-4).
* The CAS process has separate application routes for people seeking access only to national services, or for travellers. The ACMA is not aware of any problems or issues with these aspects of the scheme.

Figures supplied by the CAS administrator show that of 6,310 Category C applications received between February 2015 and May 2018, 2,947 applications (46.7%) were rejected. Our best understanding is that this was done on the basis of the tests described above. Of the rejected applicants, only 616 (20.7% of the total) appealed to the ACMA. All these appeals were allowed. The ACMA has no information as to what the other 2,331 category C applicants did subsequently to obtain TV services.

In general, the existing CAS would appear to have served its purpose of preserving the integrity of the regional and metropolitan commercial free-to air broadcaster licence area framework. On the other hand, the present system for accessing VAST in Category C areas generates administrative work for both the scheme administrator and the ACMA while creating a substantial of delay for viewers who wish to access commercial services on VAST. The results of the process described above are also arguably quite arbitrary, with many applicants routinely rejected based on statistical coverage models, while the minority who actually appeal routinely succeed based on the statutory presumption in their favour and the lack of any further evidence from the VAST administrator.

An underlying challenge is that the only conclusive way to settle whether or not reception is available at an address would be to obtain field measurements of the signal level and quality that constitute adequate reception at the viewer’s location[[4]](#footnote-5). Elementary consideration of the numbers and distances involved shows that this is beyond the resources of either the scheme administrator or the ACMA. Conversely, were it made a requirement for applicant householders themselves to obtain or pay for such measurements to be made, it would greatly increase the cost of television access for many viewers with terrestrial reception difficulties without necessary dispelling all doubts about the reliability of information obtained. If the reason for pursuit of satellite access is sporadic but intractable interference at the site, notwithstanding good local field strengths, this raises a second group of challenging evidentiary issues.

It is reasonable to conclude that the current scheme substantially relies on the widespread preference of TV viewers for terrestrial over satellite reception, with the process for access to commercial services on VAST merely providing an extra incentive for viewers in all areas where there is any likelihood of terrestrial coverage to consider other technical options before they turn to satellite.

**Is the conditional access scheme for commercial television necessary?**

During conversion to digital TV, transmission arrangements were developed (VAST and the ‘six channel block’ terrestrial TV model) that meant viewers anywhere in Australia should be able to obtain all TV services planned for their market via a single external antenna – whether terrestrial or satellite - costing under $1,000. Viewed in this context, the ease of access to satellite ABC and SBS services compared to satellite commercial television is an anomaly.

The conditional access scheme (CAS) and viewer application process for satellite commercial television recognise the territory-specific nature of commercial television program supply arrangements. The question arises whether the costs (for industry, the regulator and viewers) of the conditional access scheme are still warranted, given the disincentives already noted for viewers to migrate from the terrestrial platform.

Less constrained access to remote area commercial services in terrestrial markets may create difficulties for the commercial broadcaster providing the satellite service, e.g. in continuing to acquire access to the rights to live sporting events, if widespread reception of the satellite service becomes easier in terrestrial markets. While the practical implications of territory-specific program rights need to be taken into account, as a starting-point the ACMA believes that remote viewers should also enjoy the benefit of access to all services planned for their market through a single external aerial or antenna.

**If a conditional access scheme is still needed, could it be improved?**

The Review is a good opportunity to reconsider the overarching regulatory arrangements with a view to simplifying access arrangements in a way that would reduce the regulatory burden on viewers, industry and government.

The current treatment of viewers in Category C areas, in particular, would appear to be ripe for improvement. By delaying and complicating viewers’ access to VAST, the effect of the present scheme is encourage viewers to invest in expensive, and sometimes undesirable, external reception equipment, such as high masts and signal boosters. It is unfair to force any householder to pay more to obtain terrestrial coverage than the cost of obtaining VAST access to all services (indicatively, $800) unless that is their choice – noting that many viewers will willingly pay more for the preferred option of terrestrial reception. More expensive external antenna arrangements should not be needed where reception is at planned levels, moreover, signal boosters can be a source of reception and interference problems in their own right. To give only one example, receiver overload by new mobile broadband cells results almost entirely from the widespread use of signal boosters, which indiscriminately amplify nearby as well as wanted signals unless fitted with filters. While accepting the practice is extremely widespread, the ACMA does not recommend the use of signal boosters.

Aligning the coverage modelling done by the broadcasters for Category C boundaries and mySwitch modelling would be a small step towards simplifying the current process - adopting the mySwitch coverage modelling to determine Category C boundaries would have the effect of moving many householders into Category B and restricting exemption certificate requirement to viewers with at least a rural grade of signal. A stronger measure would be to restrict Category C to areas that mySwitch predicts to have ‘good’ reception. (Implementing this measure could be as simple as the CAS administrator deciding to grant reception certificates to all applicants with ‘variable’ or worse coverage according to mySwitch.) This would mean that in areas of ‘variable’ or rural-grade coverage, the scheme would rely solely on the clear viewer preference for terrestrial over satellite reception to ensure only viewers with a genuine need for satellite coverage apply.

If these measures were unacceptable, another innovation worth exploring might be for RBA (the CAS administrator) and ACMA to agree to and regularly update a list of known areas with reception difficulties or intractable interference problems. The ACMA and the CAS administrator could also work on options to simplify the current appeals process – noting this may have resource implications for one or other of the two bodies. A major factor accounting for the current 6-8 week period for consideration of appeals is the practice of bundling applications into monthly lots – a practice that takes account of the CAS administrator’s limited resources. However, the CAS Administrator’s routine practice of never adducing any new evidence in support of a refusal calls into question why any time is needed at all. Clearly, if there were some way the right to an appeal could be limited to situations or scenarios that would be of genuine and legitimate concern to industry, this would allow other householders to obtain satellite television coverage without delay.

# mySwitch: Role and future

mySwitch was developed by the Department in 2009/10 as one of the key components of the communications strategy to help television viewers during the digital switchover and restack. mySwitch provides address specific information about the television coverage, the most appropriate transmission site to receive TV signals from and the antenna setup required for optimal reception from the selected broadcast site. mySwitch is also the application portal (“front counter”) for access to VAST. No similar alternative source of location specific information about television coverage is currently available.

Since the general public still makes extensive use of mySwitch for its originally intended purposes, including access to VAST, the ACMA has continued to manage mySwitch after the completion of the digital switchover and restack[[5]](#footnote-6) notwithstanding that all funding for the initiative was digital transition linked and has ceased.

mySwitch plays two important roles in relation to VAST:

* mySwitch provides location specific advice on expected TV coverage and therefore informs viewers if they need to consider VAST access. As previously discussed, the ACMA understands that mySwitch is also used by the current CAS administrator to assess VAST applications for Category C areas.
* mySwitch provides the only entry point for the VAST access applications for the commercial VAST services (access to the VAST services of ABC and SBS is not conditional and can be enabled outside of mySwitch).

According to Google Analytics, mySwitch has an average of 57,000 page views per month, with 22,000 sessions and 26,000 unique address searches (May 2018). A significant percentage of this use leads to or relates to the VAST access module.

By optimising mySwitch to retain relevant functionality but reduce the maintenance cost, the ACMA has managed to reduce mySwitch maintenance cost to approximately $70,000 per annum including the site hosting and management and the cost of the Google Maps licence.

While the ACMA has been able to absorb these ongoing costs of mySwitch to date, the tool is now almost 10 years old and may not be sustainable as maintenance and support becomes increasingly problematic.

The ACMA is actively considering a range of options for the future of mySwitch. Implementation of some of these options, in particular a substantially upgrading or building a replacement for the tool, is subject to funding being made available or industry (including app developers) taking over or building the replacement tool. The options under consideration include:

* engaging with relevant industry stakeholders to discuss options for the future mySwitch, including an option for industry to take over the management of mySwitch. The feedback from industry to date recognises the importance of mySwitch but disclaims any responsibility for funding it;
* upgrading mySwitch to the latest underlying software platforms to increase the lifespan of the tool - an estimated cost of this option is $100,000+, but implementing this option could potentially reduce the current ongoing management cost to $50,000 per annum;
* building a replacement tool – a current ballpark estimate of the cost of this option is around $150,000, noting that implementing this option could potentially reduce the current ongoing management cost of the tool;
* the ACMA has recently published the TV coverage data used by mySwitch ( <https://www.acma.gov.au/Industry/Broadcast/Spectrum-for-broadcasting/Spectrum-digital-television/myswitch-tv-coverage-prediction-data>) to encourage the development of a replacement tool by industry or app developers.

The CAS process for the VAST access is dependent on mySwitch. Both the Conditional Access Scheme and supporting processes would need to be completely redesigned if mySwitch were no longer available. If a replacement tool is eventually developed by industry or web developers using the now publicly available mySwitch TV coverage data, it is unlikely to include the VAST access module. Therefore, the role and future of mySwitch are relevant to the future of the CAS and should be considered under the Review.

# Conclusions

The ACMA welcomes the Review and it is keen to work with the Department, industry, broadcasters and network delivery operators to identify the most suitable option for providing access to free-to-air TV to viewers in areas without terrestrial TV coverage or reliable reception, as well as travellers. Within its regulatory role, the ACMA is also keen to contribute to the Review in considering options to improve the current conditional access and regulatory arrangements around VAST and CAS in order to reduce any unnecessary burden on viewers, the CAS administrator and the ACMA. Given substantial role of the mySwitch web tool for VAST access and CAS, the future of mySwitch should be considered under the Review.

1. Under BSA, an area can be declared as service-deficient area by the ACMA under certain conditions, if not all commercial broadcasting services are available. [↑](#footnote-ref-2)
2. If a viewer in such an area enters their address, the mySwitch website might advise that ‘You may have difficulties receiving some or all digital channels.’ It may even advise that the viewer is in an area of ‘no coverage’. However, the statement about ‘VAST eligibility’ for that address will say: ‘The commercial broadcasters believe you are in an area that should receive adequate reception of their local terrestrial service. If you don’t agree with their assessment, you may request an exemption certificate.’ [↑](#footnote-ref-3)
3. Section 130ZF (7) of the Broadcasting Services Act 1992 provides that in deciding whether to give a direction under subsection (5), it is to be presumed that the person does not have adequate reception of all of the applicable terrestrial digital commercial television broadcasting services, unless the scheme administrator satisfies the ACMA that the person has adequate reception of all of those services.  [↑](#footnote-ref-4)
4. The adequate reception is defined in CAS and requires signal level and quality to be above certain thresholds. Due to the limitations of prediction modelling, the only way to obtain probative evidence is by field measurements at the site. [↑](#footnote-ref-5)
5. Following the successful completion of the digital switchover and restack, as a part resuming its traditional role as the community’s first port of call in the government for viewer issues around TV reception and interference, the ACMA has taken over management of mySwitch. [↑](#footnote-ref-6)