



Timetable for digital conversion

Television Broadcasting Services (Digital Conversion) Act 1998 and Datacasting (charge imposition) Act 1998 became law on 27 July 1998.

The following article sets out the legislative scheme for national and commercial television broadcasters to convert from transmitting their television services in analog mode to transmitting them in digital mode. Outlined are the key tasks identified in the legislation, the person responsible for carrying out the task, the statutory deadline for its completion and comments on the nature of the task.

digital timetable

RESPONSIBILITY

DEADLINE

COMMENT

Formulation of commercial television conversion schemes

ABA

None but scheme has to be determined a to give broadcasters adequate time to be prepared to commence transmission in digital mode from 1 January 2001.

ABA to create part A and part B schemes. Part B is for remote areas. Part A is for the rest of Australia. It is anticipated that the schemes will give power to the ABA to create other instruments such as a digital channel plan and the power to approve commercial broadcasters implementation plans.

Formulation of national television conversion schemes

ABA

as above

National television conversion scheme does not take effect until approved by the Minister. National broadcaster's implementation plans to be approved by the Minister, not the ABA.

Cause to be conducted a review of all the matters set out in the terms of January 2000 review

The Minister

1 January 2000

A report of this review has to be laid before a House of Parliament and a proclamation made by both Houses to lift the embargo on the use of the power to set HDTV, captioning, technical transmission and datacasting standards, to allow multi-channelling and to further define datacasting.

Commencement of digital transmission of television in metropolitan areas

National and commercial broadcasters

1 January 2001

Metropolitan areas means existing Sydney, Melbourne, Brisbane, Perth and Adelaide licence areas. Digital transmissions may start at this date in regional and remote areas but broadcasters are not required to commence transmission by 1 January 2001.

Commencement of digital transmission of television in regional areas

National and commercial broadcasters

On or after 1 January 2001 but so that all regional areas have digital transmission by 1 January 2004.

Regional licence and coverage areas do not include remote licence and coverage areas transmission by 1 January 2004.

Commencement of digital transmission of television in remote areas

National and commercial broadcasters

1 January 2001

For commercial services – on a date to be determined by the ABA pursuant to part B of the commercial television conversion scheme. For national services – on a date to be specified by the national broadcaster in their implementation plan for that area and approved by the Minister. ABA is given the power to determine that a specified licence area is a remote licence area – a remote coverage area for a national service corresponds to such a remote licence area.



Innovations

Determine the date when a commercial television licensee has to commence digital transmission in a particular regional licence area.

ABA
Between 1 January 2001 and 1 January 2004

Start date will be specified in licensee's implementation plan which is to be approved by the ABA and then becomes a licence condition.

Determine the date when a national broadcaster has to commence digital transmission in a particular regional area

The Minister
Between 1 January 2001 and 1 January 2004

The Minister does this by approving implementation plans for national broadcasters.

Determine the basis upon which commercial and national broadcasters can transmit digital television on a test basis before 1 January 2001

ABA
None but scheme has to be determined to give broadcasters adequate time to be prepared to commence transmission in digital mode on or after 1 January 2001.

The requirements for test transmissions have to be set down in the conversion schemes.

To issue transmitter licences which authorise digital television transmissions

ACA
As required pursuant to the conversion schemes.
licences.

The schemes must make provision for requiring the ACA to issue such transmitter

To surrender one or more transmitter licences authorising digital transmission

A national or commercial broadcaster
At the end of the simulcast period or if (a) digital transmission does not commence as required or continue throughout the simulcast period or: (b) HDTV standards are contravened.

National or commercial broadcasters may satisfy the ABA that exceptional circumstances exist which do not require surrender of a transmitter licence.

To elect whether the broadcaster wishes to surrender the transmitter licence authorising use of the existing analog channel or the licence authorising the digital channel

a national or commercial broadcaster
Within 6 months of the end of the simulcast period.
licence authorising use of the analog channel.

If the broadcaster does not elect, it is deemed to have surrendered the transmitter

To provide access to the tower and the site of the tower for the purpose of installing or maintaining a transmitter for use in transmitting digital television services or digital datacasting services

Owners and operators of broadcasting transmission towers
By the time specified by the broadcasters and approved by the Minister or the ABA pursuant to the implementation plans.

Part 5 of the Act sets up an access regime for broadcasting transmission towers

To issue a written certificate stating that in the ABA's opinion giving access to a tower or site is not technically feasible

ABA
ABA to use its best endeavours to make a decision within 10 business days after request for certificate made.

if the access seeker and power owner or operator cannot agree on the terms under which access should be given, the conditions are to be determined by arbitration with the arbitrator where the parties fail to agree on the arbitrator.

To determine the amount of the charge to be paid by commercial and national broadcasters using residual transmission capacity for datacasting on channels allocated for digital conversion

ACA

No deadline but should be in place by 1 January 2001 to facilitate broadcasters providing datacasting services.

The ACA must provide a report to the Minister before making its first determination of the datacasting charge.

To determine when the datacasting charge is due and payable

ABA
No deadline but should be in place by 1 January 2001.

ABA can also determine any late payment penalty.

Make determinations fixing charges for any matter for which expenses are incurred by the ABA under the schemes or the tower access regime

ABA
No deadline but should be made in the implementation phase of the conversion schemes and the tower access regime.

A charge must be such as to not amount to taxation.

To prepare an industry action agenda to assist the development of the Australian broadcasting electronics industry

The Minister in consultation with the Minister for Industry, Science and Tourism

The policy objectives for the agenda are set out in section 4 of the *Television Broadcasting Services (Digital Conversion) Act 1998*.

To formulate a regional equalisation plan which specifies the measures to be taken by the Minister or the Commonwealth Government to facilitate the provision of digital television or datacasting services in regional areas of Australia.

The Minister

As soon as practicable after the commencement of the Act.

The objectives of the plan are set out in clause 64 of section 12 of the *Television Broadcasting Services (Digital Conversion) Act 1998*.



Notes to the table

Simulcast period

The time a broadcaster has to transmit simultaneously its television service in both analog and digital mode.

For a commercial or national broadcaster in a metropolitan or regional area, the period is eight years or such longer period as is prescribed by regulation.

For a commercial or national broadcaster in a remote area, the period is to be specified by the ABA under part B of the relevant conversion scheme. The start date for a national broadcaster will be determined by the national broadcaster's implementation plan as approved by the Minister.

Standards

The *Television Broadcasting Services Act 1998* gives power to make regulations determining standards:

(a) requiring broadcasters to meet specified goals or targets in specified high definition television (HDTV) formats;

(b) requiring broadcasters to meet specified goals or targets for television programs which are captioned for the deaf and hearing impaired;

(c) that relate to the transmission of digital television services including conditional access systems; and

(d) in relation to the provision by any person of digital datacasting services.

These powers can not be used until Parliament fixes a date. The date cannot be fixed until Parliament receives a report of the 1 January 2000 review from the Minister.

Implementation plans

Plans to be prepared by broadcasters and submitted, in the case of commercial broadcasters, to the ABA, and in the case of national broadcasters, to the Minister; which set out the proposed stages and timetable for the installation and operation of digital transmission equipment.

Datacasting service

A service (other than a broadcasting service) that delivers information to persons having equipment appropriate to receive that information where delivery of the service uses the broadcasting services bands.

Restrictions on use of digital channels

Broadcasters are prohibited from using the digital spectrum for multi-casting or

providing programs on a digital channel that are 'incidental and directly' linked to a program on the analog channel until such time that regulations are made allowing this to occur. Regulations can not be made until a date to be fixed by Parliament.

A digital channel can not be used to provide commercial radio, subscription radio, subscription television, open narrowcasting radio or television services.

Consultation

In formulating or varying the schemes, the ABA is required to consult with:

- (a) the public;
- (b) national broadcasters;
- (c) commercial television licensees;
- (d) the Australian Communications Authority; and
- (e) the owners and operators of broadcasting transmission towers.

Terms of the 1 January 2000 review

(1) Fifty-nine reviews before 1 January 2000,

(a) Before 1 January 2000, the Minister must cause to be conducted a review of the following matters:

(b) whether any amendments of laws of the Commonwealth should be made in order to deal with convergence between broadcasting services and other services;

(c) whether any amendments of laws of the Commonwealth should be made to deal with the re-transmission, on subscription television broadcasting services, of commercial television broadcasting services transmitted in digital mode;

(d) whether any amendments of laws of the Commonwealth should be made in order to ensure that underserved regional licence areas are provided with up to the same number of commercial television broadcasting services as are provided in metropolitan licence areas;

(da) whether any amendments of laws of the Commonwealth should be made in order to allow a commercial television broadcasting licensee to broadcast a television program in digital mode during the simulcast period for a licence area where the program is incidental and directly linked to a program that is broadcast simultaneously by the licensee in both analog mode and digital mode in that area;

(db) whether any amendments of laws of the Commonwealth should be made in order to allow a national broadcaster to broadcast a television program in digital mode during the simulcast period for a

coverage area, where the program is incidental and directly linked to a program that is broadcast simultaneously by the national broadcaster in both analog mode and digital mode in that area;

(dc) the extent to which any amendments of laws of the Commonwealth are required to be made in order to allow a national broadcaster, during the simulcast period for a coverage area, to use multi-channel transmission capacity to broadcast television programs in digital mode in that area, where:

- (i) the programs are in addition to programs that are broadcast simultaneously by the national broadcaster in both analog mode and digital mode in that area; and
- (ii) the broadcast of the programs is in accordance with the charter of the national broadcaster;

(dd) whether any amendments of laws of the Commonwealth should be made to deal with the scope of the services that are categorised as datacasting services;

(de) whether any amendments of Part 4 of this Schedule should be made;

(e) the regulatory arrangements that should apply to:

(i) the allocation of spectrum in the broadcasting services bands for use for the provision of datacasting services; and

(ii) the digital transmission of a community television service, free of charge using spectrum in the broadcasting services bands allocated for use for the provision of datacasting services.
(2) A review under subclause (1) of the matter referred to in subparagraph (1)(e)(i) is to be conducted on the basis that:

(a) holders of commercial television broadcasting licences; and

(b) national broadcasters; should not be eligible for the allocation of spectrum as mentioned in that subparagraph.

(3) The Minister must cause to be prepared a report of a review under subclause (1).

(4) The Minister must cause copies of a report to be laid before each House of the Parliament within 15 sitting days of that House after the completion of the preparation of the report.

(5) For the purposes of the clause, a regional licence area is underserved if, and only if, there are fewer than three commercial television broadcasting services in that area.

