
Michael Gordon-Smith, ABA Member, discussed the ABA's role in digital television and some of the issues surrounding its introduction when he addressed the seminar, 'Digital Television Policy' conducted by the Media and Telecommunications Policy Group@RMIT in Melbourne on 9 February.

Digital TV and the ABA

It's not the ABA's role to forecast business results. Nor to pick successful commercial strategy. And, it is not our role to frame the big picture of Australian broadcasting or communications policy.

That task properly resides with the Government.

The ABA's role is to implement an Act of Parliament, to give effect to these broad decisions once they are made, and to help inform debate. The ABA's expertise can be useful advice for those deciding the broad policy. Our largest practical, administrative role is planning the use of the broadcasting services bands, licensing services and regulating content.

We will therefore have an operational role in the transition to digital, which raises some difficulties in licensing and entails some spectrum planning work and, some policy choices arising from the transition to digital may rest with the ABA—Australian content for example.

In the change from analog to digital, the connection between a single signal and a single channel is split. There is now a one-to-one relationship between a licensee using a chunk of spectrum and a single channel or service. This is strongly reflected in the Act.

One-to-one mapping disappears when you move to the digital environment and this is likely to change the industry's structure. Digital television also offers broadcasters many new possibilities: HDTV, multichannel and data services. There are some unanswered questions about how digital structures fit with the framework of the Act.

For example, if a free-to-air broadcaster does more than simply provide a digital copy of an analog service, this might require an additional licence, and confront the legislative limits on ownership and control and on the number of

commercial television services in a market. Some uses may make it necessary to consider carefully definitions of 'service' and of 'program'.

When the structure of the signal that is delivered from the free-to-air broadcasters changes so fundamentally, what effect should this have on the require-

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ments we currently put on those signals?

The debate about digital television will eventually move on to consider the conditions, such as Australian content, placed on services. Having some quantitative idea of the value of the spectrum may assist us ensure that, whatever the consumer take-up rate, the benefits of using spectrum for digital television accrue to the whole Australian community, in the public interest.

Convergence

Short term transitional issues inevitably entail some consideration of the longer term, and in particular of convergence. Do converging markets demand the convergence of regulation?

This discussion is already happening in other countries, including the European Community.

The debate on digital television is part

of a broader, longer, more challenging public policy context than a single decision about spectrum allocation. Existing services and industry structures are likely to change and new services emerge. The ABA is not in the business of picking the commercial future, but understanding some scenarios may help in considering how the Act may handle its future work. Convergence challenges the relation between broadcasting, telecommunications, information technology and on-line services. It challenges the relation between the different regulations imposed on them too.

There are big issues for governments, as well as for industry, to confront, including the fact that some technological developments may simply reduce the number of effective options open to governments and regulators. The ABA has already tasted the flavour of these problems in proposing solutions for the regulation of content in the on-line environment.

Making any changes invites review of other parts of the Broadcasting Services Act—especially changes that contemplate a discontinuity in the industry's history and its relation to other industries.

Minimising the extent to which technology and business reality has outgrown its legislative clothing is a commonly agreed objective, but so too is regulatory certainty. We work within a legal framework that may begin to feel gradually, or rapidly, more awkward. When to review the Act, and how much change to make will remain open questions for the Government, and the industry.

That decision will entail substantial policy issues beyond the province of the ABA, but we can at least help make their discussion easier and better informed. ☐