

Digital television: the review stockpile

How do you regulate the upcoming digital broadcasting age? DCITA has its hands full trying to interpret all the submissions from interested parties to the reviews required under the legislation passed last year

There have been in excess of 70 submissions to the eight digital television reviews being conducted by the Department of Communications, Information Technology and the Arts (DCITA) before January 1, 2000. They are from a range of sources including Australia's largest media and telecommunications companies - News Ltd., Fairfax, Telstra, Cable & Wireless Optus - the national public broadcasters, commercial television channels, audiovisual equipment manufacturers, Internet service providers, forums, consumer organisations and members of the public.

The eight reviews to which they have submitted material are:

- enhanced programming;
- the scope of datacasting services;
- multi-channelling by the national [public] broadcasters;
- the retransmission of free-to-air digital broadcasting services on pay TV systems;
- underserved regional licence areas;
- the convergence of broadcasting and non-broadcasting technologies;
- high definition television standards; and
- captioning standards.

Those reviews which appear to have provoked the greatest response and variety of submissions are the enhanced programming review and the scope of datacasting services, the major sticking points of the various submissions concerning the definitions of the terms and their practical application in the new digital terrain.

Enhanced programming

Schedule 4 of the *Broadcasting Services Act* 1992 required a review to be conducted to determine the scope of services which were "incidental and directly linked" to television programs broadcast simultaneously in analog and digital mode ("incidental and directly linked" programming is commonly referred to as enhanced).

Some 13 submissions concerning enhanced programming arrived at DCITA during December 1998. These were from the Australian Broadcasting Corporation (ABC), Australian Caption Centre, Australian Association of National Advertisers (AANA), Australian Information Industry Association (AIIA), Community Broadcasting Association of Australia (CBAA), Fairfax, News Ltd., Special Broadcasting Service (SBS), Federation of Australian Commercial Television Stations (FACTS), the Australian Broadcasting Authority (ABA), Cable & Wireless Optus (C&W Optus) and the Australian Subscription Television and Radio Association (ASTRA).

Much of the concern expressed in the submissions surrounded the

definition of enhanced services and their practical realisation. Most agreed that enhanced programming must be simultaneous with and dependent on the primary broadcast and not have a significance and meaning independent of the primary broadcast. Put simply, enhanced programs should be entirely ancillary to broadcast programs and have no use, nor make any sense other than as an adjunct to a program being watched.

ASTRA proposed a test of a secondary broadcast "directly linked" to the main broadcast. "For the removal of doubt, specific additional exclusions should be incorporated under the definition of enhanced programming such as subscription services, Internet services, online services, cache services, electronic commerce and advertising...these services do not fall under the test of 'directly linked,'" stated its submission.

Examples of programming that might constitute enhanced programming include the provision of multiple angles during a sports match, statistical information on players, scores in previous games, or material such as simple text, audio enhancements and video enhancements that are "incidental and directly linked" in real time to television programs being broadcast. (Fairfax and SBS both argued that the enhancements that are "incidental and directly linked" exemplify what is defined as a form of datacasting).

In essence, what the submissions require is a technically better definition of "enhanced program" than the one which exists in the *Broadcasting Services Act*, recognising it as a separate category of programming, one which is not datacasting. It's a diffi-

cult definition. For example, linking to a website to download recipes on a particular subject during a cooking program would have to be directly linked enhanced programming. Viewing a news item in more depth would be enhanced programming. And just to confuse things further, in purely technical terms, any digitally delivered service is simply a series of ones and zeros whether the digital material is converted into a program, a telephone conversation, a fax or datacasting service. So generally, it is all datacasting.

The AANA submission recognised this, stating that it is a "very fine line to draw". It continued: "It is difficult to determine the relationship between datacasting and enhanced programming when the applications, content or delivery are yet to be tried and tested in the marketplace. The correlation between the two is likely to become more apparent as the technology develops and the consumer adopts such technology".

Datacasting services

Of the 17 submissions to this review, 13 were from the companies mentioned previously as contributors to the enhanced programming review. The remaining four were from AOL Bertelsmann Online Services, Joanne Jacobs of Monash University, OzEmail and the Seven Network.

One sentiment expressed was of allowing the free-to-air broadcasters to convert their businesses to digital - but perhaps not until the end of the simulcast period - and businesses wishing to provide online services permitted access to the broadcast spectrum. "But we do not believe that the free-to-air television broadcasters should be given an automatic right to extend their businesses into areas in which they have no history or expertise", stated the OzEmail submission.

Again, definition is the key to understanding what datacasting is and how it may be applied in the digital age. It is complicated by technology convergence which means that services such as streamed audio and streamed video could (depending on viewer control) "look and feel" the same as

free-to-air broadcasts.

Datacasting is defined in the existing legislation as a service:

- other than a broadcasting service;
- that delivers information (in the form of data, text, speech, images or in any other form);
- which is delivered using broadcasting service bands.

The submissions argued that the definition was important for two reasons: one, the possibility of a charge being levied on the providers of datacasting services; and two, the need to ensure that the legislative definitions of broadcasting, datacasting, enhanced programming and multi-channelling set the boundaries between those services to provide regulatory certainty for broadcasters and datacasters.

But much of what was argued to be enhanced programming content in that review also appeared to be seen in some of the submissions as datacasting. AOL, for example, stated that it would seek to provide owners of digital television devices extra value by delivering services that are personalised, interactive and consumer friendly. "Many [services]...would draw on current AOL online material and Internet applications, including video and audio streaming where appropriate...personalised news updates, sports, financial information, weather and shopping services...some datacast material, for example, scores and statistics in sports events, or updates and datacast coverage of elections may be relevant to programs that are being broadcast by the TV networks".

In which case, this content fulfils both definitions.

What AOL advocated instead was that the definition of broadcasting rather than datacasting in the current legislation needed to be refined and clarified. "The alternative - to narrowly define datacasting - would lead to an artificially restrictive scope for the development of multimedia services to the home", stated its submission.

OzEmail's solution was to identify three criteria that distinguished broadcast television services, enhanced programming for broadcasting services, and datacasting services:

- the nature of the audio and visual phenomena that an end-user of the service can perceive;
- the functional elements of the service; and
- the method by which the service is funded.

According to OzEmail, the first criterion comprises traditional linear TV program material and advertising provided in real time. It includes pay TV, subscription narrowcasting television and pay-per-view but not video-on-demand.

The second is content provided by a broadcaster that is subordinate to broadcast television. It must be incidental to the main programming stream but cannot be broadcast material itself (because the broadcaster has a licence for only one broadcasting service until 2005 at the earliest).

The third is a service/s that does not contain a coherent (discrete) channel providing a programming stream of sequenced and assembled continuous linear programming with advertisements and sponsorship announcements placed within the individual programs. This does not preclude presentation of video and audio material on demand, or making available a program which is not provided continuously or as part of an assembled continuous feed.

Telstra summed up the enhanced programming and datacasting situation thus: "The playing field, which already guarantees the free-to-air's low risk entry to these newly emerging markets for datacasting services, digital television and enhanced television, needs to be levelled. Without this levelling there will be a disincentive to investment and Australian media and associated new services will be left in the hands of an increasingly powerful few".

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