



Jock Given, Director, Communications Law Centre presented his views on

## Digital terrestrial television: implications for Australian television

**C**ontent is king, or so the cliché goes.

But content is not king, because bandwidth is such a problem. Whatever the zealots dream about the end of scarcity, from where I'm standing bandwidth looks like it's becoming an even bigger problem.

This is why digital terrestrial television (DTT), I think, is so important a development. If you think competition in the provision of bandwidth is important, then DTT might prove to be the most viable wireless link to the home. And if you think having different content providers controlling different lines of access to their audiences is a useful starting point for ensuring a diversity of views, then DTT might look more attractive than a solitary superhighway, however wide.

### Problems with bandwidth

Bandwidth is a problem because there's not enough of it.

The Telstra Multimedia/Foxtel and Optus/Optus Vision cable roll-outs have significantly expanded the available bandwidth in the areas they have occurred. Satellites are further expanding them. But so too, the revised powers and immunities for carriers under the *Telecommunications Act 1997* will constrain the terrestrial bandwidth bonanza we've seen in metropolitan areas over the last few years. Telstra and Optus both appear to be saying that their roll-outs have effectively stopped. We might find, far from 1 July 1997 being the dawn of a new era, that 1991–97 proves to have been an unusual window where optimism and activity in building terrestrial facilities overflowed. Warren Lee spoke earlier of DTT as a 'spectrum grab' by free-to-air broadcasters. We could equally see the extensive powers and immunities given to telecommunications carriers until 1997 as a 'sidewalk grab'.

Expectations escalate, bandwidth de-

*The full text of this speech will appear in the next issue of the Communications Law Bulletin.*

mands soar and scarcity hangs on very tight. So who we let use or construct the bandwidth and what we let them use it for are critical public decisions.

### Neutrality

Bandwidth is also a problem because it's not a neutral concept. The architects of the Broadcasting Services Act might have wanted that legislation to be technology neutral, but reality keeps busting out all over the legislative shop. Separate satellite pay TV licences in the Act hinted that seamless technology neutrality was an illusive creature, even in 1992. Digital radio is forcing some rethinking about whether special rules are going to be necessary to accommodate this new way of delivering radio or whatever other services the relevant spectrum might be wanted for. On-line services are not fitting neatly into or out of the service categories in the Broadcasting Services Act.

So the technology choices keep getting made by governments, despite the rhetoric that they don't, and each time they're laden with value judgements.

The task is to work out what policy challenges are around for Australian television and communications that DTT might help us address. For me, there's one central one.

### Who has the bandwidth?

The main reason bandwidth in Australia is a problem is because the same people have got it all.

The ABA has recommended that terrestrial television get the digital television spectrum, initially.

I think we have to see DTT as an opportunity to diversify players in the Australian media business, or at least, to ensure that the limited diversity already existing is not further reduced. In that, I think DTT's capacity to offer a link to households which is not dependent on the cable or satellite infrastructure controlled by the telecommunications carriers, is vital (although the set-top box is still capable of achieving any of the

gatekeeper power that centralised transmission infrastructure does not).

Our best option is to ensure there is space for existing free-to-air broadcasters on the digital platform, although I'm troubled by the nature of the ABA report on digital terrestrial television which appears so focussed on that as the sole objective. The main purpose of the ABA's approach seems to be to replicate, in the digital transmission era, the structure of the analog free-to-air television industry. It's not at all clear why that should be the only goal. In particular, we might look much more closely at the experience of regional commercial television under aggregation and investigate ways of using DTT in the bush to do something more than slavishly follow the metropolitan industry structure. That is what is happening in telecommunications with regional operators like Northgate.

I agree totally with the scepticism which has already been expressed about high definition television (HDTV) as a major driver in the consumer television market. People have been talking about HDTV for decades—successive improvements in the black and white days were thought of as 'high definition' at the time. I simply don't believe a substantial share of consumers is going to think HDTV alone is worth many dollars to them.

The ABA report seems to have problems even on its own terms. It tries to treat the existing free-to-air stations equally, promising each a digital channel. Yet the reality is that this can only be achieved if there is shuffling around. I don't understand all the technical issues, but I'm troubled at the implications that Channel 10, the most vulnerable commercial broadcaster in a multi-channel environment, will need to shift frequencies—a fairly inequitable outcome, in a vision which is entirely based on equity for existing players.

One of the most important things that needs to happen in Australia is a re-statement of the enduring significance of the national broadcasters, the ABC and SBS. It worth noting that in the UK, the BBC has been given the DTT multiplex with the best reach.

The ABC, the SBS, the Ten network — I'm not at all averse to the vulnerable getting a leg up. The strong seem to be able to look after themselves. 