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## Regulatory policy for datacasting trial

The ABA has released the regulatory policy for the conduct of test transmissions of digital datacasting services. The datacasting trial will enable aspirant datacasters to test the technical feasibility of their services in four markets—Sydney, Newcastle, Brisbane and Canberra.

'The ABA received ten submissions ABA when the draft policy was released in May 1999,' said Professor David Flint, ABA Chairman. 'However, the policy will allow late expressions of interest from aspirants, particularly in areas where there may be unallocated spectrum in markets with under-utilised trial capacity.'

The ABA will keep trial datacasters informed about developments concerning arrangements for the permanent datacasting scheme. However, the ABA emphasises that aspirant and trial datacasters should avoid forming any expectations about the future permanent datacasting regime on the basis of the trial policy. At this stage, the policy anticipates the start of permanent datacasting services as early as January 2001. Based on this, it is expected that all test transmissions would be completed by 30 November 2000.

The policy allows for a full

7 MHz channel to be used in a market for the datacasting trial, but there remains the option for trial datacasters to use less than a full channel depending on their requirements.

'To accommodate all interested parties in the various markets where channels have been nominated for the datacasting trial, the ABA has decided to limit test transmissions to a maximum of three months,' said Professor Flint. 'In markets where there are more interested parties than there is available spectrum, shorter licence periods may be necessary,' he added.

All *bona fide* aspirant datacasters with genuine proposals, other than persons in a position to exercise control of commercial television broadcasting licences and their associates and national broadcasters and their associates, are eligible to conduct test transmissions using the channels identified in the policy. However, free-to-air broadcasters wishing to conduct datacasting test transmissions using any spare capacity on their allotted spectrum may approach the ABA to negotiate appropriate arrangements.

### Development of the policy

In August 1998 the Minister

for Communications, Information and Technology and the Arts requested advice from the ABA on practical arrangements for making broadcasting services bands spectrum available for test transmissions of datacasting services. In December 1998, the ABA replied proposing the features of a datacasting trial.

The Minister subsequently gave the ABA a formal direction to carry out the datacasting trial. The direction was gazetted on 3 March 1999 (*Gazette No. 9*).

It is the ABA's intention that the trial be limited to minimise diversion of resources away from the preparation of digital channel plans needed for the conversion of television services from analog to digital and completion of analog planning for metropolitan and regional radio services. For example, it is currently envisaged that one broadcasting services bands channel will be made available in two capital cities and two regional centres for the trial.

In these and other features, the proposed policy framework must conform to the Minister's direction, which provides in part for:

- limited test transmissions of short term duration with clear commencement and completion dates;

- provision of opportunities for all organisations with genuine proposals to have access to test transmissions and minimise scope for individual organisations to gain an unfair commercial advantage.

### What is datacasting?

Datacasting services are defined in clause 2 of Schedule 4 to the *Broadcasting Services Act 1992*. This was inserted by the *Television Broadcasting Services (Digital Conversion) Act 1998* (the Digital Conversion Act).

A datacasting service is defined as:

... a service (other than a broadcasting service) that delivers information (whether in the form of data, text, speeches, images or in any other form) to persons having equipment appropriate for receiving that information, where the delivery of the service uses the broadcasting services bands.

A broadcasting service is defined in section 6 of the *Broadcasting Services Act* as:

... a service that delivers television programs or radio programs to persons having equipment appropriate for receiving that service, whether the delivery uses the radiofrequency spectrum, cable, optical fibre, satellite or any other means or a combination of those means, but does



not include:

- (a) a service (including a tele-text service) that provides no more than data, or no more than text (with or without associated still images); or
- (b) a service that makes programs available on demand on a point-to-point basis, including a dial-up service; or
- (c) a service, or a class of services, that the Minister determines by notice in the Gazette, not to fall within this definition.

While datacasting is, by definition, not broadcasting, it uses the broadcasting services bands. The term applies uniquely to services delivered via the broadcasting services bands, even though similar services may be available by other means, including by the use of other radiofrequency spectrum.

The legislation also requires the Minister to cause to be conducted a review into:

whether any amendments of the laws of the Commonwealth should be made to deal with the scope of services that are categorised as datacasting services (paragraph 59 (1) (dd) of Schedule 4 of the Broadcasting Services Act).

The Department of Communications, Information Technology and the Arts (DCITA) is conducting the Review into the Scope of Datacasting Services.

### Who can provide datacasting services?

There are two groups of potential datacasting service providers: existing free-to-air broadcasters and new entrants.

#### New entrants:

Channels in the broadcasting services bands not needed for the digital television conversion process will be identified

and made available for allocation, on a competitive basis, for datacasting services. Free-to-air broadcasters will not be allowed to bid for these channels. In identifying such channels, the ABA will take account of the possible need for spectrum for future commercial broadcasting services.

#### Existing free-to-air broadcasters:

Free-to-air broadcasters will be allowed to provide datacasting services (including subscription datacasting services) using any residual capacity in their digital television channels, but will pay a charge for doing so.

The charge is the subject of the *Datacasting Charge (Imposition) Act 1998*. The charge will be determined by the Australian Communications Authority and will be linked to the price paid for datacasting channels by other datacasters in a way that promotes competitive neutrality. Underlying the principle will be the determination that free-to-air broadcasters, who are allocated spectrum free of charge, should not have an unfair competitive advantage over other datacasters, who have purchased spectrum on the open market.

#### When will services start?

Permanent digital datacasting services cannot be transmitted before a day to be fixed by Proclamation following a resolution by both Houses of Parliament. Such a resolution cannot be passed until the Minister has provided a report to Parliament on the outcome of a number of reviews provided for in the Digital Conversion Act, including the Review into the Scope of Datacasting Services. In prac-

tice, the date for the start of permanent digital datacasting is also dependent on the completion of digital channel planning by the ABA.

These restrictions on the commencement of permanent digital datacasting services do not prevent the ABA allocating channels in the broadcasting services bands for temporary datacasting services under the provisions of section 34 of the Broadcasting Services Act.

#### What channels will be available?

The ABA has considered the channels to be made available for datacasting test transmissions in the context of its work on digital channel plans (the DCPs). The DCPs have been made under the Commercial Television Conversion Scheme, authorised by subclauses 6(1) and 19(1) of Schedule 4 to the Broadcasting Services Act. They determine the channels to be allotted to

Market	Channel	Bandwidth
Sydney	UHF 29	7 MHz
Newcastle	UHF 56	7 MHz
Brisbane	UHF 38	7 MHz
Canberra	UHF 40 & 29	7 MHz

broadcasters for digital broadcasting and the technical characteristics of each. The ABA has released final plans for Sydney, Newcastle, Wollongong, Canberra; Melbourne, Brisbane, Toowoomba, Adelaide, Darwin and Hobart. Final plans for all remaining licence areas will be completed as soon as practicable.

The markets and channels identified for the trial have been chosen to enable aspirant datacasters to conduct their test transmissions in a variety of major population centres. The proposed UHF channels

have not been identified as required for digital television conversion under the DCPs for the relevant markets.

The technical specifications for these channels are available as attachments to the relevant digital channel plans.

In their submission NTL expressed a strong preference to use UHF channel 29 in Canberra. The ABA has made this channel available until it is required for the operation of SBS29 South West Slopes.

There is an additional unallotted 7 MHz channel in Canberra—channel 41. If there is sufficient demand, this channel may also be made available for datacasting test transmissions.

A 6 MHz channel, UHF 27, was considered for the trial in Brisbane, Canberra and Sydney. However, advice from the ACA indicates that there may be problems using this channel at high power due to the potential for interference with radiocommunications services operating below

520 MHz. Consequently, the ABA considers it premature to identify channel 27 for the trial

at this stage. Another 6 MHz channel, VHF 9A, is potentially available for datacasting test transmissions in Brisbane and either Sydney or Newcastle, however technical specifications would need to be developed.

To obtain copies of the policy: The regulatory policy is on the ABA's web site, [www.aba.gov.au](http://www.aba.gov.au), or contact the ABA for a printed copy on (02) 9334 7700.