



AUSTRALIA

Submission by Free TV Australia

- **Proposal to make VAST available in the Mildura/Sunraysia TV1 licence area**

February 2025

Submission from Free TV Australia

- Free TV Australia welcomes the opportunity to provide comments in response to the February 2025 Australian Communications and Media Authority (ACMA) paper on availability of VAST in the Mildura/Sunraysia TV1 licence area.
- Free TV Australia is the peak industry body for Australia's commercial free-to-air (FTA) television broadcasters. It proudly represents all of Australia's commercial free-to-air television broadcasters in metropolitan, regional and remote licence areas.



Overview of submission

- The importance of the continued free availability of all five Australian TV networks in communities such as Mildura/Sunraysia should be the touchstone for ACMA's consideration of its widened discretion under sub-section 130ZH(1) of the *Broadcasting Services Act 1992*, which gives it the power to declare a licence area to be service deficient.
- In the present case, consideration of the statutory criteria in 130ZH(1) supports giving access to VAST.
- For reasons that were outside the ACMA's control, the current matter has taken over seven months to progress. Future consideration of section 130ZH(1) issues, if and when they arise in other areas, should be dealt with in days or weeks, rather than months, so viewers who lose terrestrial access have the option of timely access to free-to-air television via satellite available when they need it.
- Securing access by Mildura/Sunraysia residents to VAST will depend on the continuing operation of the ACMA's ageing mySwitch website into the future. Any move to repair or upgrade mySwitch will require active collaboration with NAS Australia and Optus, which also play critical roles in giving viewers VAST access.
- Free TV stands ready to assist in any collaborative process to repair or rebuild the mySwitch portal.
- Meanwhile it seeks information on the ACMA's current thinking about the mySwitch tool and its future utility.

The importance of access to VAST when terrestrial commercial TV services are lost

- In its July 2024 [submission](#) to the Senate Environment and Communications Legislation committee, Free TV did not oppose the measures proposed in the *Communications Legislation Amendment (Regional Broadcasting Continuity) Bill 2024*, including the widened eligibility criteria for VAST that are the subject of the present ACMA paper.

- The submission made the larger point that free, terrestrial broadcast services are a critical way that local residents receive news and information that is relevant to them, and help create a sense of belonging to regional communities. Free TV argued that the threat of loss of terrestrial commercial TV services required more holistic solutions than simply facilitating VAST access.
- The present submission does not reprise those more holistic solutions, noting they are outside of the power of the ACMA to deliver. However, the importance of the continued free availability of all five Australian TV networks in communities such as Mildura/Sunraysia should be the touchstone for ACMA's consideration of its widened discretion under sub-section 130ZH(1).
- While it is likely many viewers in the Mildura region have discovered the online availability of Australia-wide versions of the lost Network Ten services via the 10 Play service, for some people, broadband access to TV will be an unsatisfactory substitute for free-to-air TV availability.
- This may be because they cannot afford reliable broadband, are not using a smart TV, do not have the digital literacy skills to access online TV, or are reluctant to use the internet.
- Ongoing, free access to broadcast TV, whether via satellite or delivered terrestrially, is likely to remain for the foreseeable future a critical component of digital inclusion. This is especially true for parts of the Mildura/Sunraysia audience that are older, economically disadvantaged, or living with disabilities.

Consideration of the statutory criteria in 130ZH(1) supports giving access to VAST

- The closure of Ten Network-affiliated terrestrial TV services in Mildura/Sunraysia means it is open to the ACMA to conclude that the number of commercial television broadcasting services being provided terrestrially in Mildura is 'deficient' under paragraph 130ZH(1)(a) of the BSA.
- In deciding whether the number of services provided terrestrially is deficient, the ACMA must consider paragraphs 130ZH(2)(a), (b), (c), and (d) of the *Broadcasting Services Act 1992*. Paragraph (d) refers to 'any other matters that the ACMA considers relevant'.
- Under this head, it may be relevant to consider the prospects, if any, for the imminent re-establishment of terrestrial transmission of the missing channels, for example, by the licensee in the market whose services have been switched off. In the present case, Free TV is unaware of any current plans or proposals for the terrestrial transmission of Network Ten TV services in Mildura/Sunraysia.

Future section 130ZH(1) matters should be handled more speedily

- For reasons beyond ACMA's control, this consultation process is taking place more than seven months after Ten terrestrial TV services in Mildura/Sunraysia were switched off.
- At the time services were discontinued, it can be inferred from both media reporting and the political reactions to the closure that many viewers were adversely affected by the loss of service. The availability of VAST might have been of great value to some of these viewers.

- In the weeks after the closure, Free TV fielded inquiries on behalf of satellite reception installers about whether and when they might be able to offer conversion to VAST reception for Mildura households. Free TV's advice was that permission to access VAST was unlikely to be given while the amending legislation remained before the parliament. The result was a missed opportunity for Mildura viewers adversely affected by the Ten closure to have the option of VAST reception at the time when they were first looking for an alternative means of access.
- Terrestrial transmission of a commercial network service may cease in other licence areas or sub-markets in future. If it happens, it will be important for ACMA to move swiftly to consider the application of section 130ZH(1). It will not be fair or reasonable for inconvenienced TV viewers to wait months to be allowed to access satellite TV when terrestrial services close. The factual issues at stake may be straightforward and contentious. The spirit of the amended legislation is to give adversely affected viewers the choice of continuing to view all networks via broadcast television, when they need that choice and not several months afterwards.

The mySwitch portal is critical to the ongoing availability of VAST

- In its July 2024 [submission](#) to the Senate Committee, Free TV noted that securing access by Mildura residents to VAST will depend on a website for which ACMA is responsible, mySwitch. It identified two problems:
 - as of July last year, it appeared the information on mySwitch was no longer being updated;
 - the ageing mySwitch tool was understood to be based on obsolete software and to require replacement in the short- to medium-term. Securing ongoing access to commercial television services via VAST would require a commitment from the regulator to maintain and, in consultation with the administrators of the VAST Conditional Access Scheme (CAS), ultimately to rejuvenate or replace mySwitch.
- Since then, the ACMA has resumed updating the information available via mySwitch. However, it is not known what other progress the ACMA has made with the repair or replacement of mySwitch to ensure its continuing availability.
- While mySwitch provides the 'front counter' through which members of the public are able to apply for access to the VAST commercial TV offering, applicants seeking access to commercial television services are transferred to a separate industry website (MySatTV) to fill out an application form.
- The outsourced service provider, NAS Australia, runs the industry website and provides a range of other VAST conditional access support services. Any changes to the mySwitch website must be able to work with the systems that connect to it unless these are also rewritten/rebuilt as part of the same process. Any potential work on the mySwitch website or its replacement should involve consultation with the technical experts at NAS Australia, as well as engagement with Optus, the VAST satellite provider.
- Free TV stands ready to assist in any collaborative process to repair or rebuild the mySwitch portal.
- Meanwhile it seeks information on the ACMA's current thinking about mySwitch and its future.