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Anti-Siphoning Review  
Commercial Broadcasting Section  
Department of Broadband, Communications and the Digital Economy  
GPO Box 2154  
CANBERRA ACT 2601

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**Sport on Television: A review of the anti-siphoning scheme in the contemporary digital environment - Main Submission of Premier Media Group Pty Limited (PMG)**

PMG is an Australian company engaged in the sports, entertainment, production and news sectors. We acquire sports rights from sporting organisations and other broadcasters and produce coverage of sports events for distribution on television, online and mobile. PMG is a member of ASTRA and is aware of and supports the detailed submission made by our industry peak body.

PMG's own views on anti-siphoning are well known. Put simply, we believe that the anti-siphoning scheme should be reformed to reflect 21<sup>st</sup> century principles - the media landscape and consumers viewing habits have changed considerably over the past 15 years and the scheme should be modified to reflect the maturing television sector, ensuring that only events which are broadcast live and in full and nationally on free-to-air television are protected, rather than a general shopping list of events.

The current scheme distorts the market and allows the free-to-air television broadcasters to manipulate the rules and deny Australian sports fans the opportunity to watch listed events live. PMG therefore supports the removal of a number of events from the current anti-siphoning list.

Removing events from a go forward list is not a radical step. It will simply allow sports bodies to make the critical judgments about what is best for their sports to develop and grow. In fact, removing events from the list is unlikely to result in any short-term change as broadcasting contracts for sporting events are typically concluded on a multi-year basis. Equally, being on or off the list is irrelevant to determining whether or not a sport is available on free-to-air television as is demonstrated by the multitude of sports which are not on the list which receive free to air coverage. It should be the prerogative of sports bodies to decide what is in the best interests of their sport and they should be entitled to choose a broadcast partner that is able to deliver the best quality coverage to an appropriate audience while still maximising its revenue streams in order to support grass roots participation and fund facilities and training developments.

In PMG's view, in 2010 and beyond the government's focus should be on ensuring that the free-to-air networks actually deliver on providing live national coverage of protected listed events. This is what the review should aim at delivering.

## **Our Specific Views in relation to the Key Issues for comment**

### **1. The purpose of the anti-siphoning scheme and its impacts**

#### ***What purpose should the anti-siphoning scheme have?***

To ensure protected listed events of national importance are broadcast live and nationally by the free-to-air television networks.

#### ***What is the best way to ensure that nationally important and culturally significant sports are shown on free-to-air television?***

By the government implementing a “use it or lose it” scheme to ensure that free-to-air networks broadcast protected listed events to all Australians.

#### ***What impacts does the anti-siphoning scheme have on sports rights holders and the business models of free-to-air and subscription television?***

The scheme distorts the market and subsidises free-to-air television networks. It significantly impacts sports bodies by restricting the amount of money they can make from broadcasting revenue and reduces their opportunities to fully fund their sport. This has a number of negative flow on effects for sports bodies and society generally.

It also impacts subscription television by depriving entities such as PMG the opportunity to invest in and provide innovative coverage of sporting events to Australian consumers.

The Australian scheme also has the potential to lead to increased use of illegal internet streaming. This can occur when free-to-air television elects not to broadcast protected listed events live and nationally and consumers in turn seek out illegal live streams on the internet so they can watch events live.

### **2. The appropriateness of the events on the anti-siphoning list and their rationale for inclusion**

#### ***Which events should be included on the anti-siphoning list and why?***

#### ***What criteria, if any, should there be for including an event on the anti-siphoning list?***

Firstly, the event must genuinely be an event of national significance. In 2010, there is simply no rationale for including every match within a particular sporting tournament simply because the tournament itself is relatively well known. Secondly, the event must have historically received and must continue to receive live and national coverage on free-to-air television if it is to remain listed. Some non exhaustive examples of what would be covered in a go forward list adopting these criteria include:

- Melbourne Cup
- 4 games of each round of the AFL premiership
- AFL finals series
- 3 games of each round of the NRL regular season
- Cricket test matches involving Australia in Australia
- Australian matches, and the semi finals and final of the Cricket World Cup
- Australian F1 race.

### **3. The duration of the anti-siphoning list**

#### ***What is an appropriate duration for the anti-siphoning list? Five years, 10 years or other?***

Assuming that the list is amended adopting the criteria set out under paragraph 2 above, an appropriate duration for that list would be five years.

#### **4. The appropriateness of the current automatic de-listing arrangements**

***Is the current 12 week automatic de-listing period for events on the anti-siphoning list appropriate?***

The automatic de-listing period should be at least 26 weeks. This would allow broadcasting arrangements to be established well in advance of the event and will then allow broadcasters to adequately plan for production and marketing of the event.

#### **5. Scheduling and coverage of events on the anti-siphoning list**

***What scheduling and or coverage ('use') requirements should apply to free-to-air broadcasters with broadcast rights to events on the anti-siphoning list?***

As above, free-to-air broadcasters should be required to broadcast these protected events live and nationally on their main channel.

#### **6. The restriction on free-to-air television broadcasters being able to show an event on the anti-siphoning list exclusively on their digital multi-channels**

***Should commercial free-to-air television broadcasters continue to be prevented from being able to show an event or part of a listed event on the anti-siphoning list on their digital multi-channels if the event is not simultaneously shown, or has not already been shown, on their simulcast channel?***

Yes, while there continues to be an anti-siphoning list and this restriction should also continue to apply to the national broadcasters.

***What requirements, if any, should be placed on free-to-air digital multi-channels, if listed sports should be shown on these channels, to maximise coverage of sports in metropolitan and non-metropolitan areas?***

Not applicable

#### **7. Coverage of sports on new media platforms**

***Does sport accessed through new media platforms replace or supplement consumers' television viewing?***

There is no evidence that new media platforms are replacing television viewing in the context of live sporting events. The next few years will see significant technological change and significant investment in new media platforms and this will represent great opportunities for the public to access sporting events in different ways and for sporting bodies to "touch" consumers using different forms of media.

***What effect, if any, will the provision of sports programming on new media platforms have on the anti-siphoning scheme?***

Provided that the government does not burden new media platforms and providers with unwarranted regulatory interference, PMG believes there will be significant opportunities for sports bodies to grow interest in their sport by developing new media distribution mechanisms.