



**Australian  
Broadcasting  
Authority**

# **Investigation into events on the anti-siphoning list**

**Report to the Minister for Communications,  
Information Technology and the Arts**

Australian Broadcasting Authority  
Sydney  
June 2001

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## **Abbreviations**

ABA	Australian Broadcasting Authority
ABC	Australian Broadcasting Corporation
ACB	Australian Cricket Board
ACCC	Australian Competition and Consumer Commission
AFL	Australian Football League
ARU	Australian Rugby Union
ASTRA	Australian Subscription Television and Radio Association
CAMS	Confederation of Australian Motor Sports
CGF	Commonwealth Games Federation
FA	Football Association (UK)
FACTS	Federation of Commercial Television Stations
FCC	Federal Communications Commission
FIA	Federation Internationale de l'Automobile
FIFA	Federation Internationale de Football Association
FIM	Federation Internationale de Motocyclisme
FTA	Free-to-air (television)
IOC	International Olympic Committee
M2002	Manchester Commonwealth Games
NRL	National Rugby League
NSL	National Soccer League
SBS	Special Broadcasting Service
SIA	Sport Industry Australia
TWI	Trans World International
UEFA	Union of European Football Associations
UK	United Kingdom
US PGA	United States Professional Golf Association
WNBL	Women's National Basketball League

**COMMONWEALTH OF AUSTRALIA**

***Broadcasting Services Act 1992***

**AUSTRALIAN BROADCASTING AUTHORITY (INVESTIGATION)**

**DIRECTION (No. 2 of 2000)**

I, RICHARD KENNETH ROBERT ALSTON, Minister for Communications, Information Technology and the Arts, direct the Australian Broadcasting Authority under subsection 171(1) of the *Broadcasting Services Act 1992* (the Act):

- (a) to conduct an investigation into:
  - (i) which events should be removed from the Broadcasting Services (Events) Notice No. 1 of 1994 (the Notice), under section 115(2) of the Act; and
  - (ii) which events should be added to the Notice, under section 115(1A) of the Act; and
  - (iii) the date or dates on which protection should expire for events that the ABA considers should be retained in or added to the Notice; and
- b) in conducting the investigation, to have regard to the policy that an event should only be included in the Notice if the event has been consistently broadcast by free-to-air television broadcasters in the past five years; and
- (c) to give a copy of the report on the investigation to me by 30 June 2001.

In this instrument an *event* includes events of a specified kind or a series of events.

Dated 22 December 2000

RICHARD ALSTON  
Minister for Communications,  
Information Technology and the Arts

## **Executive summary**

The Minister for Communications, Information Technology and the Arts directed the ABA to investigate which events should be removed from or added to the anti-siphoning list and the date or dates on which protection should expire for these events.

The original purpose of the anti-siphoning regime was to ensure audiences continuing access to television events that they had traditionally seen on free-to-air television. At the same time there was an expectation that pay TV would provide complementary or extended coverage of events. The rules were not intended to limit the enjoyment of pay TV subscribers to sports channels by reducing the amount of sport available on new services.

Fourteen submissions were received from representatives of the free-to-air and pay TV industry, sporting bodies, broadcast rights management and individuals.

In conducting the investigation the ABA was to have regard to the policy that an event should only be included on the list if the event has been consistently broadcast by free-to-air television broadcasters in the past five years. The ABA examined the way in which rights to sporting events on the anti-siphoning list have been used by free-to-air broadcasters in the past five years. Accordingly, the ABA also examined events proposed by submitters for possible inclusion on the anti-siphoning list.

### **The meaning of ‘consistently broadcast’**

While full live coverage of listed events is highly desirable the ABA recognises that this is often not possible.

The general principles used to judge whether an event could be said to be ‘consistently broadcast’ over the period, are:

- The event or some matches in a multi-match event is broadcast each time the event or tournament is held;
- Extent of coverage is be substantially similar each year the event is held (or increasing in amount);
- Coverage of an event need not be live and in full to be ‘consistently broadcast’; and
- Highlights only coverage does not mean consistently broadcast.

### **Removing events from the list**

Using these principles the ABA determined that most events had a consistent pattern of broadcast. The following events, which were not consistently broadcast, were identified for removal from the list:

- Australian Football League State of Origin matches (item 2.33 on the list).

- international rugby league matches involving the senior Australian representative team and a non-representative team (item 3.7).
- Hong Kong Sevens Rugby tournament (item 4.3).
- test cricket matches involving the senior Australian representative team played outside Australia and the United Kingdom (item 5.1).
- one day cricket matches involving the senior Australian representative team played outside Australia or the United Kingdom (item 5.2).
- doubles matches and singles preliminary rounds and quarter finals of the French Open tennis tournament (item 7.3).
- Australian Men's Hardcourt tennis Championships (item 7.5).
- Australian Women's Hardcourt tennis Championship (item 7.6).
- semi finals of the Australian National Basketball League playoffs (item 9.1).

### **New events for the list**

The ABA recommends adding new events, these should be in two categories only swimming and soccer - reflecting changing viewer interest since the introduction of the list, and future expectation arising from free-to-air's consistent coverage of these events. The three events are:

- each international soccer match involving the senior Australian representative team and the senior representative team of another country.
- Federation Internationale de Natation (FINA) World Swimming Championships (Long Course).
- Pan Pacific Swimming Championships.

### **Future review of the rules**

While confirming the underlying philosophy of the anti-siphoning regime the ABA's investigation concluded that there were problems with the list that should be addressed.

The current decade promises to be the most structurally significant for Australian broadcasting with potentially major changes to the television landscape. The ABA advocates that amendments flowing from the current investigation be implemented as soon as possible, but the new list should run for no more than five years through to the end of 2006.

Before this time there should be a thorough re-examination of the anti-siphoning rules, with changes to the scope of the list and its operation decided in the context of the outcomes of the scheduled digital television reviews. This should include any changes to the restrictions on multi-channelling after 2005 and the 2006 moratorium on new players. The application to the Australian market of a possible non-exclusive rights arrangement perhaps along the lines of the UK system, covering a more limited list of events, should be evaluated. This would require a more rigorous examination of market

factors concerning the acquisition and use of sports rights with access to relevant commercial information.

## **Introduction**

### **1. Anti-siphoning legislation**

#### **Operation of the rules**

When pay TV first commenced in Australia shared the concern of other countries that major television sports events would migrate or be siphoned from the free-to-air networks to pay TV. In the UK, such a migration had happened in 1991 when the Premier League replaced the First Division soccer competition and moved from free-to-air to pay TV. As a result of this concern, anti-siphoning rules were introduced to ensure certain events that had traditionally been available on free-to-air television were not exclusively shown on pay TV, with only subscribers to pay channels having access to siphoned events.

The anti-siphoning provisions of the *Broadcasting Services Act 1992* (the Act) are at attachment A. The provisions in section 115 allow the Minister to formally list in a notice events that should be available on free-to-air television for viewing by the general public.

Under a licence condition set out in Schedule 2 to the Act (10(1)(e)), pay TV licensees can only acquire the right to broadcast listed events if live broadcast rights are held by commercial television licensees (who have the right to televise the event to a total of more than 50 per cent of the Australian population) or by a national television broadcaster (the ABC or SBS). If live broadcast rights to a listed event are not held by a free-to-air broadcaster, a pay TV licensee may request that the Minister remove a particular event from the list.

The Explanatory Memorandum to the Broadcasting Services Bill 1992 referred to Australians continuing ‘to have free access to important events’. It aimed to safeguard the interests of those without access to pay TV by retaining traditional free-to-air coverage of sporting events.

The legislation was not intended to guarantee those broadcasters exclusive rights to listed events. Rather the desire was that subscription broadcasters would ‘... provide

complementary, or more detailed, coverage of the events'.<sup>1</sup> The anti-siphoning provisions provide free-to-air broadcasters with priority in the acquisition of rights to listed events. While the legislation ensures that free-to-air broadcasters have access to rights to listed events it does not compel free-to-air broadcasters to acquire rights to these events. Nor does it compel them to broadcast the events to which they hold rights. (This is discussed in relation to the anti-hoarding provisions below).

### **Minister's notice not retrospective**

The timing of the Minister's notice affects the ability of section 115 to achieve the policy outcome to which it is directed, namely preventing the acquisition of exclusive rights to certain events by subscription broadcasters. If a subscription TV licensee already has the right to broadcast an event, listing the event does not divest the licensee of that right. In other words, the Minister's notice does not operate retrospectively.

### **Listing of events**

The inclusion, or removal, of an event on the list is a matter on which the Minister has complete discretion. While there are no explicit criteria, the original thinking of Government was that the anti-siphoning list should cover events of national importance and cultural significance. For an event to be considered for inclusion on the anti-siphoning list, however, it must have broadcast rights able to be traded. Many events that could be considered of national importance or cultural significance, such as the commemoration of Anzac Day, are public events that all broadcasters are entitled to cover freely. This partly explains the sporting focus of the anti-siphoning list.

The current anti-siphoning list contains sports events within 11 categories and has effect until 31 December 2004. The exception to this is the 2006 tournament of the FIFA World Cup. The anti-siphoning list is at attachment B.

For rights holders and pay TV broadcasters to negotiate agreements concerning the acquisition of events, they must be able to be certain as to whether or not a specific match in an event is on the list. In order to provide certainty to all parties affected by the inclusion of an event on the anti-siphoning list, the Minister listed events in extensive terms that cover all matches and rounds. For example, each match in the premiership AFL competition is on the list even though it was never the case that all were broadcast on free-to-air television. The free-to-air broadcaster may have had, say, the pick of three matches each round but listing in those terms would not adequately specify which matches exactly were on or off the list. The extensive listing of each match in the AFL and NRL rounds despite free-to-air television being incapable of showing all of them, is a negative outcome of the need to provide certainty concerning events on the list.

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<sup>1</sup> Explanatory Memorandum, Broadcasting Services Bill 1992.

## **Role of the ABA**

Prior to creating the anti-siphoning list, the then Minister for Communications and the Arts, The Hon. Michael Lee, directed the ABA in February 1994 to conduct an investigation into which events should remain free to the general public and to present options for his consideration.<sup>2</sup>

Just after the Minister published his notice of the events on the anti-siphoning list in December 1994, the ABA received a second direction, to monitor and to report to the Minister at six-monthly intervals on the operation of the anti-siphoning list<sup>3</sup>. In particular, the ABA was to report on:

- the extent to which rights to televise events were both made available and acquired by national and commercial broadcasting licensees;
- the extent to which those events acquired were televised; and
- whether there were any other grounds for the Minister to consider specifying other events for the list.

The ABA prepared three reports for the Minister under this direction.<sup>4</sup>

On 30 September 1996, the Minister for Communications and the Arts issued a new direction to the ABA, revoking the previous monitoring direction.<sup>5</sup> Under this more general direction the ABA was to:

... report to the Minister, in a comprehensive and timely manner, if the ABA considers that the Minister should be made aware of particular matters pertaining to the operation of the Act in relation to the free availability of certain types of programs to the general public.

In its role of monitoring the operation of the anti-siphoning list, the ABA regularly requests information from the five free-to-air networks in relation to the nature and duration of rights acquired or offered.

### **ABA advice on free-to-air live coverage of listed events - July 1995 to June 1996**

In January 1998, the ABA was requested by the Minister's office and the Department of Communications and the Arts for advice on the level of coverage of listed events reported by the pay TV industry and commercial broadcasters. The ABA examined reports prepared by FACTS and the pay TV industry, respectively, using AC Nielsen reports and program guides. FACTS had calculated the total hours of live coverage of listed events as a percentage of the total hours of listed events broadcast on commercial television. The pay TV industry calculated the total hours of live coverage of listed events by free-to-air television as a percentage of the total hours potentially available for live broadcast.

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<sup>2</sup> Direction to the ABA No. 1 of 1994

<sup>3</sup> Direction to the ABA No. 2 of 1994

<sup>4</sup> The first report was released in July 1995, the second in December 1995 and the third in June 1996.

<sup>5</sup> Direction to the ABA No. 4 of 1996

The ABA concluded that the different methodologies used had produced different but equally valid results. The ABA found that the figures provided by FACTS had illustrated that of the hours of listed events broadcast by commercial networks in 1995-96, most (72 per cent) were shown live. Pay TV operators concluded that free-to-air networks broadcast only around 50 per cent of the total hours of potential coverage of listed events, of which only about 37 per cent were live coverage.

It was the ABA's view that the pay TV industry's findings were a reflection of the large number and extent of events on the anti-siphoning list, and the fact that the list did not correspond with actual patterns of sporting broadcasts by the free-to-air broadcasters. The ABA did not find a significant change in the level of coverage in 1996 from previous years. The ABA concluded that commercial networks continued to broadcast events at similar levels in 1996 as those reported by the ABA in its three six-monthly monitoring reports to the Minister.

### **Delisting events**

Section 115(2) allows the Minister to remove an event from the anti-siphoning list. Situations in which delisting is envisaged include:

- when free-to-air broadcasters have had a real opportunity to acquire the live right to an event, but none of them has done so within a reasonable time; and
- a commercial television broadcasting licensee has acquired the live right to televise an event, but has failed to do so or has televised only an unreasonably small proportion of the event.

In both these circumstances, the Minister would delist an event if he is of the opinion that removing the event from the notice is likely to have the effect that it will be televised to a greater extent than it would be if it remained on the notice.

Following reports from the ABA, the Minister has, at the request of pay TV, removed events from the anti-siphoning list on 11 occasions. The delisted events comprise the Hong Kong Sevens Rugby Union tournament for three years and cricket tests and one day international matches played outside of Australia and the United Kingdom (see attachment C for details of delisted events).

The usual practice for delisting occurs after free-to-air broadcasters have been given a genuine opportunity to acquire the live rights to an event but have declined to do so. The process for a delisting involves the pay TV licensee making an application to the Minister, and for the ABA to provide advice to the Minister in relation to the application.

### **International anti-siphoning experience**

Internationally, Australia's anti-siphoning regime was one of the first examples of regulation to protect major sporting events from migrating from free-to-air to pay TV. As part of its investigation, the ABA has reviewed anti-siphoning rules operating in other countries. While specific circumstances in those countries including the size of their market, make direct comparisons with Australia difficult, the ABA notes that

Australia's anti-siphoning scheme and its list of events are both more extensive and restrictive than those in operation overseas. Attachment D provides detailed information on international anti-siphoning regulation and on the television market in the UK, Germany, Italy and Denmark.

European examples of anti-siphoning regulation encourage non-exclusive live coverage of listed events by television broadcasters. European countries may list events of major importance for society that must be broadcast free-to-air, live or delayed. As with the Minister's anti-siphoning list in Australia, these provisions apply to contracts concluded after the publication of the directive and relate to events taking place after its entry into force.

Generally neither free-to-air nor pay TV are permitted exclusive live rights to the key events listed in the UK. Under the UK's two-tiered list of events (Groups A and B), 'exclusive live' rights to second tier events (Group B) is permitted if other television broadcasters are providing supplementary coverage, such as full or partial delayed or highlights coverage.

## **2. The investigation**

### **ABA approach**

The purpose of the investigation was quite specific - to report to the Minister on which events might be removed from the list and which might be added. The Minister's Direction established the framework for the investigation, with the ABA to have regard to the policy that an event should only be included on the list only if the event has been consistently broadcast by free-to-air television broadcasters in the past five years. While there may be other factors relevant to the inclusion of events on the list, the ABA's primary focus was the free-to-air coverage of listed events for the period 1996 to 2000.

Accordingly the ABA defined the issues for the investigation as follows:

- How have each of the events on the anti-siphoning list been broadcast by free-to-air television in the last five years?
- What is the meaning of consistently broadcast?
- Which events on the anti-siphoning list have been consistently broadcast on free-to-air television in the last five years?
- Which events on the anti-siphoning list have not been consistently broadcast on free-to-air television in the last five years?
- Which events should be considered for removal from the anti-siphoning list?
- Which additional events that have been consistently broadcast during the last five years should be considered for inclusion on the anti-siphoning list?

- What other criteria might be relevant to the removal or inclusion of events on the anti-siphoning list
- What date or dates should protection expire for events on the anti-siphoning list?

## Consultation

The ABA published an advertisement in the *Australian* on 15 February 2001 inviting public submissions to its investigation. An issues paper was available to assist submitters.

The ABA wrote to all free-to-air networks, the pay TV industry, international program suppliers, and sporting bodies with events on the anti-siphoning list, seeking their views and offering to meet as required. The ABA later contacted the rights holders of Australian events that submitters proposed be added to the list. The ABA met with representatives of commercial television networks, the ABC and pay TV.

## Submissions

Fourteen formal submissions were received from representatives of the free-to-air and pay TV industry, sporting bodies, broadcast rights management and individuals. Over 60 emails were also received about various sports events and related issues. The submissions are summarised at attachment E. As evident in the attachment not all sports bodies contacted by the ABA participated in the investigation.

## ABA web site

The issues paper, submissions and other public documents associated with the investigation are available on the ABA's web site at [www.aba.gov.au/what/program/anti\\_si\\_issues.htm](http://www.aba.gov.au/what/program/anti_si_issues.htm)

## Analysis of information

The ABA requested free-to-air broadcasters to provide detailed information about the broadcast during the past five years of listed events, to enable an assessment of the extent to which particular sports events have been broadcast live (in full or part), delayed, as highlights or not at all by the relevant rights holder.

Information was also sought on the broadcast for the past five years of unlisted events that submitters proposed for possible inclusion on the list.

The ABA's analysis of the broadcast of events is at attachment F. It is based on information provided by commercial and national broadcasters, AC Nielsen reports, program guides, the ABA's commercial television database, web sites of sports bodies and the Fox Sports submission. The ABA used this analysis to form a view as to whether an event has been consistently broadcast during the five year period.

To the extent that information was available, a similar analysis was undertaken of events that were proposed to be added to the list by submitters. This is at attachment H.

In considering what other factors might be relevant to the removal or addition of events on the anti-siphoning list the ABA also referred to AC Nielsen ratings information and the Sweeney Sports Report<sup>6</sup>. Relevant information is presented at attachments I and J.

## **Investigation context**

### **3. Market factors and the acquisition of broadcast rights**

The success of the Sydney 2000 Olympic Games as an international sports spectacular was exceeded only by its success as a national television experience. Over 10 million Australians watched the Seven Network's live broadcast of the Opening Ceremony and continued to watch an average total of 48 hours of Olympic coverage over the duration of the Games or around three hours each per day. The Seven Network broadcast 24 hour coverage over the 16 days of the Games, with similar levels of complementary coverage on its associated pay television service C7. The Seven Network achieved the highest television ratings ever in Australian history – proof of the importance of sport in Australian life and of television's role in the shared experience of a significant national event. To quote the ABC:

Sport remains a defining element in the formation of Australian national identity. As a relatively small and young nation competing against economically and politically powerful countries with long histories and strong cultural traditions, sport is one area where Australia has been able to demonstrate some superior abilities and consolidate a sense of national spirit.<sup>7</sup>

#### **Sport and free-to-air broadcasters**

The huge audiences for the Olympic broadcast also illustrates the commercial worth of sport to broadcasters, as an important source of successful program content. Events like the AFL Grand Final in Melbourne and the NRL State of Origin matches in Sydney and Brisbane are amongst each year's top rating programs.<sup>8</sup> In terms of hours broadcast between 6 a.m. and midnight, coverage of sports events varies between commercial channels, with Seven's AFL broadcasts traditionally putting it ahead of the other two

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<sup>6</sup> Sweeney Research Pty Ltd conducts an annual survey of interest, television viewing and participation in sports.

<sup>7</sup> ABC submission, p.1.

<sup>8</sup> Attachment I presents the top rating sports events for 2000 (excluding the Olympic Games).

networks. The Olympics increased this lead in 2000, with around 18 per cent of Seven's Adelaide and Perth schedules occupied by sports coverage (15 per cent in Sydney). For Nine sports coverage was between 11 per cent (Sydney and Brisbane) and 9 per cent (Melbourne). For Ten the figure was 5.3 per cent in all cities.<sup>9</sup> While network programming profiles differ, sport coverage provides similar levels of local content as news and current affairs and light entertainment programs.

Sport programming does not come cheaply. In the 1999-2000 financial year, Australian commercial television stations spent \$187 million on Australian sports programming, the second largest category of program expenditure at 21.7 per cent, after foreign drama at 29 per cent.<sup>10</sup> Expenditure on Australian sports programming has increased steadily in recent years, up 46 per cent since 1996. Foreign drama has increased 44 per cent over the five year period to \$251 million.

Sporting coverage for commercial broadcasters generally involves the costs of productions and rights fees. The increasing use of sophisticated technology to enhance sports coverage, which in turn contributes to rising audience expectations of the quality of sports programs, adds to the costs of sports programs. The willingness of many Australians to pay for televised sports events by subscribing to pay TV has been a new factor which increased competition for, and hence the cost of sports rights in the 1990s.

The growing influence of commercial interests in sport, now reflected in the very high costs of sports programs commenced in the 1970s with players becoming professional and the introduction of colour television which increased the attractiveness of sport to broadcasters and advertisers.

Sports coverage is important for building audience, particularly young men, who are under-represented among viewers of other kinds of television programs. Commercial broadcasters make judgements about the worth of particular sports to advertisers which is reflected in the kinds of sports which are covered and the nature of the coverage. This is one of the reasons for traditionally much lower coverage of women's sport.

While less expensive than some other genres such as local drama, costs associated with individual sports programs can be substantial. Broadcasters seek to maximise the available audience and target demographic so as to attract sufficient advertising revenue to justify the high costs. There has been a drive for exclusivity by broadcasters in order to offer advertisers the largest possible audience and exclusive association with an event.

Commercial broadcasters place particular emphasis on the need for exclusive rights. The Chief Executive of FACTS, Julie Flynn, said in a speech to the Australian Sports Business Summit in Sydney in March 2001 that:

Pay TV is now a significant presence that must be factored into almost any rights negotiations ... The economics of commercial television depend on program exclusivity. If the same program is also available without advertising on Pay, then well

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<sup>9</sup> Australian Broadcasting Authority (unpublished data).

<sup>10</sup> Australian Broadcasting Authority, 2000, *Broadcasting Financial Results 1999-2000*, Sydney.

over 20 per cent of the potential audience is probably lost. For all but the most popular events, this means commercial oblivion.

Exclusivity has become one of the main issues for pay TV and free-to-air television in the debate about the anti-siphoning rules. However, the differing views remain to be tested. There is no critical mass of reliable information about the costs to broadcasters and advertisers of sports events with negotiations being highly commercially sensitive. (Exclusivity of sports rights is discussed further in section 11.)

To increase opportunities for exclusive rights to major events broadcasters have forged links with sports events through ownership ties and investment in sporting venues. News Limited's 50 per cent ownership of the NRL and ownership of the rights to the Rugby Union Super 12 and the Seven Network's investment in Colonial Stadium are examples of these trends.<sup>11</sup>

The increasingly high cost of television rights to 'mass-spectator' sports, particularly major local events, have priced most beyond the reach of the ABC over the past twenty years<sup>12</sup>. Meanwhile SBS has specialised in events with particular appeal to multi-cultural audiences, such as soccer, including international competitions. SBS' coverage of the soccer has contributed to the growth in soccer's popularity on Australian television.

### **Importance of television coverage to sports bodies**

As sports programming has become more important to broadcasters sports rights holders have benefited from increasing returns for television rights and wider promotion of their sport. Major sports have been key beneficiaries. In 2000, over one third of the AFL's total income of \$110 million came from broadcast rights, comprising free-to-air television rights, pay television rights, radio rights and Internet web site rights. These rights comprise the largest single source of funding with the largest component being the sale of FTA rights to AFL matches and events. In 2002, with the rights worth \$100 million, that percentage rises to 62 per cent, although other sources of revenue are likely to rise too, and about 15 per cent of the \$100 million is 'free' marketing of the game on television<sup>13</sup>. The five year rights arrangement with News Limited, Nine Network, Ten Network, FOXTEL and Telstra has been negotiated for \$500 million.

In December 2000, the NRL signed a naming-rights deal with Telstra for \$72 million over six years, and renegotiated arrangements with FOXTEL by signing a six-year deal for \$400 million. The rights for the Socceroos' home games is reported to be worth \$25 million over 10 years to 2008.<sup>14</sup>

Contracts of this scale translate into full-time salaries for professional players, plus investment in the development of the code, including facility development and

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<sup>11</sup> Productivity Commission 2000, *Broadcasting* Report 11, Chapter 12.

<sup>12</sup> ABC submission, p.1.

<sup>13</sup> Business Review Weekly *Football's king hit*, 12 April 2001, p. 47

<sup>14</sup> *ibid*, p. 49.

community support. For example, in 2000 the AFL invested approximately \$15 million in development programs for grass roots football and paid \$30 million as its contribution to the development of Colonial Stadium in Melbourne.

Television coverage is essential for all sports although not all sports have the leverage of the AFL and NRL. For instance the Women's National Basketball League (WNBL) submitted:

Television is now an integral component of any sporting business. Sports that do not have a high level of television exposure are unable to attract general public support, which results in an inability to attract sponsorship and a consequent decline in competitiveness against the larger and more economically powerful sports.<sup>15</sup>

In the case of some lesser sports free-to-air broadcasters are not prepared to televise some events unless the rights owner waives the rights fee and subsidises the production costs. The ABC has arrangements such as these with sports such as netball and lawn bowls, the packaged events are then sold to pay TV.

The approach taken to television by these codes reflects the need to balance the competing demands of maximising television exposure for their sport through free-to-air coverage, while optimising potential financial returns from pay TV. WNBL submitted that the dual broadcasting rights arrangement with the ABC and FOXTEL, 'are vitally important to the development and exposure of our competition'.<sup>16</sup>

## Development of pay TV in Australia

There are three major pay TV operators in Australia: FOXTEL, serving the five capital cities and the Gold Coast; Optus Television serving Sydney, Melbourne and Brisbane; and AUSTAR, which serves Hobart and regional areas (excluding WA). This leaves areas of Hobart unserved by pay TV, while Adelaide and Perth audiences do not have access to exclusive Optus channels.

As of the end of April 2001, the three operators had a combined total of just under 1.4 million subscribers representing 20 to 23 per cent of Australia's 6.8 million television households,<sup>17</sup> depending on the area. Subscribers to the three platforms are:

AUSTAR	410,000
FOXTEL	720,000
Optus Television	220,000 <sup>18</sup>

Subscriber numbers have grown rapidly since pay TV started in 1995. In its submission to the Productivity Commission, the Australian Subscription Television and Radio Association (ASTRA) noted that this penetration rate was high by world standards.<sup>19</sup> In

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<sup>15</sup> WNBL submission, p. 2.

<sup>16</sup> *ibid*, p.2.

<sup>17</sup> AFL submission, p.8.

<sup>18</sup> Paul Budde Communication Pty Ltd, *Broadcasting and Pay TV Australia 2001*, p.207.

<sup>19</sup> ASTRA submission to the Productivity Commission Inquiry into Broadcasting, p.9.

its submission to the current investigation FOXTEL stated that pay TV penetration is continuing to grow. However, industry commentators report that subscriber growth appears to have stalled at around 20 per cent in 2001,<sup>20</sup> as pay TV competes with other telecommunications and entertainment services for share of household income. At the same time there is no evidence that existing subscribers are willing to pay more for pay TV services.

Detailed information about pay TV revenue and expenditure is not available for all operators, but it is understood that the industry is still recording significant losses. The 1999 annual report for AUSTAR United Communications, reported a loss of \$87 million for the period, with revenues of \$121.5 million. Cable and Wireless Optus reported that its Consumer and Multimedia division which includes its pay TV operation would break even at the EBIDTA (Earnings Before Interest, Tax, Depreciation and Amortisation) level for 2000-2001.<sup>21</sup> FOXTEL is also not yet in profit, being reported to have lost \$79.9 million in 1999-00, increasing to \$87 million this financial year.<sup>22</sup> FOXTEL revenue is estimated to be \$500 million.<sup>23</sup>

There are 58 channels in all, with many of these being offered by more than one operator.

OzTAM research shows that pay TV is attracting 9 per cent to 16 per cent of all Australian TV viewing when measured against the combined population of pay TV and non-pay TV homes.<sup>24</sup> AC Nielsen figures for the second week of April 2001, showed audiences in pay TV homes spending almost 50 per cent of their viewing time watching pay TV.<sup>25</sup>

### Pay TV sports programming

In line with international experience, sport has been one of the major drivers of subscription to pay TV, with six dedicated sports channels in Australia - C7 Sport 12; C7 Sport 13; ESPN; Fox Sports; Fox Sports Two, Sky Racing. There is also sport (NRL) on Fox8. Penetration of pay TV in heavy sports viewing households is understood to be higher than for households generally.

Pay TV has significantly increased the amount and range of television sports coverage, as it has the capacity to show more events and to show more extensive coverage of events than does free-to-air television which caters for general audiences.

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<sup>20</sup> Paul Budde predicts that 25 per cent will be a difficult barrier to break, op cit p.108.

<sup>21</sup> Cable and Wireless Optus media release, 10 November 2000.

<sup>22</sup> *FOXTEL's Handy Slice of Ad Cake*, Anne Davies, Sydney Morning Herald, 23 June 2000.

<sup>23</sup> Paul Budde Communications Pty Ltd, 2000.

<sup>24</sup> OzTAM 25/02/01 – 24/03/01, Total People, Metropolitan Share, S-S 0600-1800 (16.2per cent) and S-S 1800-2400 (9.2per cent).

<sup>25</sup> ACNielsen Pay TV Media Advisor 9-04-00 – 7-04-01, Total People, S-S 0600-2400.

As with commercial broadcasters pay TV operators and channels have sought to secure major sports events, where possible on an exclusive basis, such as the Rugby Union Super 12, or sharing with free to air broadcasters to provided enhanced and complementary coverage. The latter trend is illustrated by the recently negotiated new broadcast rights arrangements for AFL which come into effect with the 2002 season. Discussion with the AFL indicates that under these new arrangements, audiences throughout Australia will have available to them, in total on free-to-air and pay TV combined, more AFL matches than ever before.

In addition to 'marquee' events pay TV provides extended coverage of major overseas tournaments and local sports which have received limited coverage on commercial or national services. For example, most of the overseas tours of the Australian cricket team, which had never been shown live on free-to-air television.

## **4. Improving the operation of the rules**

### **Impact of the rules on stakeholders**

#### **Pay TV**

The underlying premise of the anti-siphoning rules is that free-to-air coverage of listed events will provide maximum public benefit.<sup>26</sup> However, the competitive advantage that the anti-siphoning rules provide free-to-air broadcasters has been the cause of much dissatisfaction to the pay TV industry. In a number of public inquiries,<sup>27</sup> pay TV has argued that;

- the list is too extensive covering more sport than could ever be shown on free-to-air television;
- it obstructs pay TV's efforts to acquire rights to events that free-to-air has no interest in acquiring or televising;
- the frequent broadcast of events on a delayed or abridged form by free-to-air, reduces the amount of sport that is broadcast live and in full throughout Australia;
- the delisting process is 'tedious, time consuming and inefficient' creating difficulties for scheduling and promoting events for broadcasters seeking to have events delisted. The result can have a significant impact on pay TV audiences and revenue.

Fox Sports described the impact on pay TV thus:

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<sup>26</sup> Explanatory Memorandum to Broadcasting Legislation Amendment Bill (no 2) 2001.

<sup>27</sup> For example, ASTRA submissions to the Productivity Commission Inquiry into Broadcasting and the ABA's anti-hoarding investigation in 1999, and Fox Sports and FOXTEL submissions to the current investigation.

[P]ay TV operators and programmers are forced to contemplate and monitor the sale and purchase of free-to-air broadcast rights as well as subscription broadcast rights and if necessary, engage in a cumbersome process to apply for the delisting of an event. Alternatively, the pay TV industry is often forced to enter into agreements which are uncommercial or place a greater financial onus on pay TV in order to ensure that a free-to-air network holds the relevant rights and the anti-siphoning rules are not breached. It is for these reasons that Fox Sports believes that the scheme should be reformed so that the free-to-air networks are prevented from acquiring subscription broadcast rights in relation to listed events.<sup>28</sup>

FOXTEL submitted that:

The anti-siphoning regime, far from guaranteeing free-to-air coverage of the sport contained in the anti-siphoning list, acts largely to obstruct and frustrate the efforts of pay TV to acquire rights to events the free-to-air networks have no interest in acquiring or televising.<sup>29</sup>

### Sporting bodies

The other stakeholders affected by the anti-siphoning provisions are the sports bodies and rights holders who negotiate the sale of rights to broadcasters.

Most sports see free-to-air coverage as highly desirable and a number of rights holders sought the ABA's support for their continuing inclusion on the anti-siphoning list. These were Tennis Australia (TA), the Australian Grand Prix Association and the Confederation of Australian Motor Sports (CAMS). Other rights holders, such as the Women's National Basketball League, consider that inclusion on the anti-siphoning list would fetter their power to negotiate the most effective free-to-air and pay TV broadcast mix for their sport.

If the WNBL finals series is included on the anti-siphoning list then we will be unable to sell the rights to televise that series to a pay TV operator (currently FOXTEL) unless those rights are already held by a free-to-air broadcaster (currently ABC). This effectively gives the ABC the first right of refusal over our finals without any requirement that they actually broadcast them.<sup>30</sup>

Sport Industry Australia<sup>31</sup> (SIA) submitted that the anti-siphoning rules placed most of the bargaining power with the free-to-air broadcasters. As a result the value of television rights and access to potential viewers is being limited. SIA acknowledged that the public interest concerns underlying anti-siphoning met its philosophy of 'sport for all Australians'. Notwithstanding this, SIA advocated reform of the rules on behalf of rights holders to boost potential financial returns to Australian sport while ensuring free-to-air broadcasters retained access to rights. SIA considered that a 'dual rights arrangement' would achieve this outcome.

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<sup>28</sup> Fox Sports submission, p. 3.

<sup>29</sup> FOXTEL submission, p.7.

<sup>30</sup> WNBL submission, p.2.

<sup>31</sup> Trading name for the Confederation of Australian Sport Inc. the peak body for Australian sport.

The SIA submission echoed the view put by sporting bodies in forums, such as the Productivity Commission's broadcasting Inquiry. They maintain they are best placed to balance the need to secure the long-term health of their sport. via a range of strategies, including maximising revenue from the sale of broadcast rights. The charter of the AFL, includes the aim of maximising the economic and social benefits of Australian football to the clubs, players, football fraternity and the community at large.<sup>32</sup>

A number sporting bodies referred to the support given by organisations such as the ACCC, Sport 2000 Taskforce and the Productivity Commission Broadcasting Inquiry to the pay TV industry's call for an overhaul of the anti-siphoning rules. The Productivity Commission recommended that the anti-siphoning rules be reformed to prevent exclusive rights being acquired by both free-to-air and pay TV. The commission also recommended that the list be narrowed by applying more stringent criteria for listing events and that the ABA be given responsibility for administering the scheme so as to streamline decision making processes.

## Audiences

On the whole, sports fans viewing free-to-air television in Australia are well served by the coverage provided of major events on the anti-siphoning list. However, as a group with special interests, the sports fan is but one of many segments of the television viewing public. Free-to-air broadcasters weigh the different interests of viewers and the advertisers they attract, when determining the nature and extent of coverage of listed events. The scheduling outcome may not always please the true fan of a particular sport, event or team.

Events which take place outside of Australia, for example, the Ashes, or which do not necessarily have Australian participation, for example, the French Open tennis, will receive partial or delayed coverage to the disappointment of some viewers<sup>33</sup>. Established evening viewing patterns represent consistent revenue streams for broadcasters. Hence regular prime time programs will not be readily interrupted, particularly when the sport may have limited appeal.

When exclusive rights arrangements are in operation, subscribers to pay TV may also feel adversely affected. For example, the only television coverage available of Formula 1 Grand Prix racing is on free-to-air television. The Nine network shows all races apart from the Australian Grand Prix on a delayed basis at varying times late night. Fans of the sport who subscribe to pay TV contend that they are missing out on full, live and consistent coverage of Formula 1 on pay TV because free-to-air has exclusive rights but does not exercise them.

The proposed changes to AFL coverage in 2002 represent another example of free-to-air exclusivity depriving pay TV viewers of live coverage of events. While free-to-air viewers in Melbourne, Adelaide and Perth will continue to see the Friday night AFL match at 8.30 p.m., in Sydney and Brisbane pay TV viewers will no longer be able to

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<sup>32</sup> AFL submission, p.1.

<sup>33</sup> TWI submission, p.2.

see this match live at 7.30 p.m. The Seven network currently shows the Friday night AFL match in Sydney and Brisbane starting from between 11.30 p.m. and 12.45 a.m. (except on the nights when it broadcasts the Rugby Super 12 instead). The pay TV broadcaster C7 shows the match live in Sydney and Brisbane. From 2002 it appears that the Nine network will not permit the AFL pay broadcaster FOXTEL to broadcast the Friday night match live in Sydney and Brisbane. The Nine Network, which will be one of three AFL television rights holders in 2002, will broadcast the match at 11 p.m. or 11.15 p.m. every Friday.

The ABA considers this to be an unfortunate state of affairs particularly when the relevant Friday night match includes the local Sydney or Brisbane AFL team. While the overall television coverage of AFL will increase, Australian rules fans in Sydney and Brisbane will no longer have any opportunity to see Friday night matches live on pay TV.

In addition, the extent to which inclusion on the anti-siphoning list restricts the financial return to a sport from the sale of broadcast rights affects sports fans by limiting the amount of money going back into local clubs and the development of the sport.

### **Reforming the anti-siphoning rules**

Since the introduction of the anti-siphoning provisions, the government has considered the operation of the rules on two occasions. The first resulted in new legislative provisions dealing with the 'hoarding' of rights to events by free-to-air broadcasters. The second represented the government's consideration of the Productivity Commission's report and proposed the 'six-week rule' amendment for automatic delisting of events. The Environment, Communications, Information Technology and the Arts Legislation Committee reported on this amendment on 19 June 2001. The amendment was passed on 28 June 2001.

### **Anti-hoarding provisions**

The anti-hoarding provisions took effect from 23 December 1999. The premise of the new regime is stated in the Regulation Impact Statement accompanying the Explanatory Memorandum:

that free-to-air broadcasters who have taken advantage of their privileged position under the anti-siphoning rules and acquired live rights to a designated event or events should be made to bear the responsibility of that acquisition by providing free-to-air coverage themselves or enabling another national broadcaster to televise those events.

A much-publicised example of 'hoarding' occurred in 1997 when the first session of the Ashes test being played in England was not televised by the Nine network, who chose not to displace its scheduled prime time programming. Nine offered the first session to the ABC and the SBS, but both declined the offer. On another occasion, when the cricket clashed with Wimbledon, Nine authorised the ABC to broadcast the whole of the third Ashes test while Nine continued coverage of the tennis.

The anti-hoarding or 'must offer' amendments to the Act were developed in response to these circumstances, with the Explanatory Memorandum identifying cricket as an 'area

of concern'. The purpose of the anti-hoarding scheme was to improve the operation of the anti-siphoning scheme by increasing opportunities for free-to-air television audiences to access full live coverage of major sports events.

The anti-hoarding provisions are set out in section 10A of the Act. They oblige commercial television broadcasters with live rights to designated events and tournaments who do not intend to use all or part of them, to offer the unused rights to the ABC and SBS. The ABC and SBS must offer their unused live rights to each other. The Minister may make a disallowable instrument designating the events or series of events that are covered by the rules. The ABC and SBS may decline to accept offered rights. The only event to be listed by the Minister as a 'designated event' under these rules is the FIFA World Cup competition for 2002 and 2006.

In August 2000 the ABA delivered its investigation report to the Minister concerning which events or series of events might be covered by the anti-hoarding rules, as well as the offer times that should apply in relation to them.

While the Minister has designated no further events as yet, it must be noted that designation would have no retrospective effect. If a free-to-air broadcaster already held rights to a designated event, the anti-hoarding provisions would not apply until the next time the rights were acquired by a free-to-air broadcaster.

The situation of first session of each test in the Ashes not being televised has been repeated again this year. The first test is due to commence play on 5 July 2001, and the Seven network has publicly stated that it will not be broadcasting the first session of play. The Seven network has defended its coverage of the Ashes cricket test by arguing that its scheduling decisions are based on balancing the preferences of the majority of viewers. They are reported as saying that most viewers want general entertainment early in the evening.<sup>34</sup> As happened in 1997, the rights to the first session were offered to the ABC and SBS by Seven, but the offers have not been taken up.

### Automatic delisting

The *Broadcasting Legislation Amendment Act (No.2) 2001* amends section 115 introducing a new 'six week rule' for automatic delisting. The amendment aims to assist pay TV operators to gain prompt access to broadcasting rights, where free-to-air broadcasters have had a reasonable opportunity to acquire rights.

The usual practice for delisting occurs after free-to-air broadcasters have been given a genuine opportunity to acquire the live rights to an event but has declined to do so. The process for a delisting involves a pay TV licensee making an application to the Minister, and for the ABA to provide advice to the Minister in relation to the application. Unless and until it can be demonstrated that a free-to-air licensee has declined an offer of live rights, a pay operator is not able to secure a delisting of the event to allow them to show a live broadcast of the event.

Under the amendments proposed in the Bill, events will be automatically removed from the anti-siphoning list six weeks before their commencement unless the Minister has

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<sup>34</sup> ABC News Online, 'Seven defends Ashes Schedule', 6 June 2001.

made a declaration that an event continues to be included in the list after that time.<sup>35</sup> The declaration must be published in the *Gazette*. The Minister can publish a declaration only if satisfied that at least one free-to-air commercial or national broadcaster has not had a reasonable opportunity to acquire the right to televise the event concerned.<sup>36</sup>

Automatic delisting is a much simplified process which will alleviate some of the problems pay TV has experienced in the past. Pay TV operators will not be required to establish a paper trail showing that the free-to-air broadcasters have declined reasonable offers to support a request to the Minister to remove an event from the anti-siphoning list.

## **ISSUES**

### **5. Criteria for inclusion on the anti-siphoning list**

The Minister directed the ABA to have regard to the policy that an event should only be included in the anti-siphoning list if free-to-air television broadcasters have consistently broadcast the event in the past five years. Accordingly, the ABA sought submissions on the what the meaning of ‘consistently broadcast’ as a necessary condition for inclusion on the anti-siphoning list. The ABA also invited views on other criteria relevant to whether an event should be removed from or included on the list.

#### **Submitters’ views**

‘Consistent broadcast’ by free-to-air television is only one of several relevant criteria for commercial television broadcasters. FACTS submitted that the original purpose of the anti-siphoning provisions was to ‘ensure the best possible opportunity for viewers to access significant sporting events for free’. FACTS noted that in the current environment where 75 per cent of Australians do not have access to pay TV, listing protected the interests of viewers. Thus the interest of the general public was the overriding issue that should be considered when removing or adding events to the list. FACTS stated:

Discontinuation or reduction of the anti-siphoning list would result in Australians being forced to pay significant amounts to watch events which they have previously been able

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<sup>35</sup> See proposed s. 115(1AA).

<sup>36</sup> See proposed s. 115(1AB).

to see for free, and deprive viewers in regional and remote areas that cannot receive pay TV of the opportunity to watch these events at all.<sup>37</sup>

Accordingly, FACTS proposed a wide test for removing an event from the list.

- Public interest in the event is low, or has fallen substantially; and
- Free-to-air broadcasters have not broadcast the event over the last five years; and
- The retention of the event on the anti-siphoning list would pose significant operational problems for pay television operators (meaning that the delisting process did not work as intended).

On this basis FACTS could not identify any events which could be removed from the list and proposed the inclusion of additional events.

The ABC also submitted that ‘consistent broadcast’ should not be the sole determinant of whether an event should be included on the anti-siphoning list. The ABC referred to the recommendation of the 1999/2000 Productivity Commission Inquiry into Broadcasting. The Commission recommended that the criteria for inclusion in the anti-siphoning list should include ‘demonstrated national significance, such as Australian involvement; events that have been consistently broadcast on free-to-air television in the past five years; and events that have received a high level of viewing by Australian audiences, as determined by ratings’.<sup>38</sup>

### Meaning of ‘consistently broadcast’

There was little agreement amongst submitters on the meaning that the ABA should give to the words ‘consistently broadcast’, the manner in which the broadcast data should be interpreted, or its relevance to the inclusion or removal of events from the list. To illustrate, the ABC and Transworld International (TWI) both understood ‘consistently broadcast’ to mean that the event was broadcast ‘time after time’, and that the general nature and extent of coverage is substantially the same each time the event is broadcast. However, TWI supported the position put by Fox Sports and FOXTEL, that even if it is shown the same way from year to year an event has to have been shown live and in full on free-to-air television to meet the test of ‘consistently broadcast’. FACTS, on the other hand, referred to the extensive coverage of listed events provided by free-to-air broadcasters over the last five years, which, they noted ‘in most cases, ... has been live and in full’.<sup>39</sup>

### Delayed versus full, live coverage

Submitters disagreed strongly on whether an event that is shown on a delayed or highlights basis could be said to have been consistently broadcast. Fox Sports, supported

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<sup>37</sup> FACTS submission, p.2.

<sup>38</sup> Productivity Commission 2000, *Broadcasting*, Report No 11, p.445.

<sup>39</sup> FACTS submission, p.3.

by FOXTEL, and TWI submitted put the view that the average television viewer would understand the anti-siphoning list to be a list of events which she or he could expect to see live and in full on free-to-air television. Fox Sports also relied on the decision of the Full Federal Court in *FOXTEL Cable Television Pty Limited v Nine Network Australia Pty Limited & Australian Broadcasting Authority* (26 March 1997) [1997] 185 FCA which held that:

the 'right to televise the event' referred to in the anti-siphoning scheme which a free-to-air network must have, is the right to broadcast the event live, that is contemporaneously with the event.<sup>40</sup>

Fox Sports argued that this decision placed the onus on free-to-air television to show listed events live.

It is our view that if an event is considered important enough to be on the anti-siphoning list, it should by its nature be broadcast live and in full on free-to-air television.<sup>41</sup>

Fox Sports provided the ABA with an analysis of the free-to-air networks' coverage of listed events undertaken for the period from 1 July 1999 to 30 June 2000 in the Sydney and Melbourne markets, and for the period 1 January to 31 December 2000. Based on their own analysis of 1999-2000 Fox Sports submitted that the list covered 7000 hours of events available for live broadcast by free-to-air networks. This, it states, is far too many hours to be accommodated in network schedules, and that free-to-air broadcasters do not broadcast a reasonable proportion of these listed events, approximately one fifth of the total hours available for live broadcast. In Sydney, all five free-to-air networks together broadcast only about 1,000 hours or 15 per cent of the total listed events live, according to Fox Sports. In Melbourne, this percentage dropped to 14 per cent.<sup>42</sup>

Free-to-air television interpreted 'consistently broadcast' more broadly. FACTS rejected the Fox Sports' analysis as a measure of the efficacy of the anti-siphoning rules in achieving desired policy outcomes. FACTS submitted that the list ensured that viewers had access to most of the events on the list and that this was the public expectation served by the list, not the expectation that an events would be presented live or in full.

Factors which affect the nature and extent of sports coverage include: simultaneous play within one round or on different parts of the course, no coverage by the host broadcaster of early rounds of play (golf and tennis), contractual arrangements preventing particular matches being broadcast against the gate, and delaying broadcasts to ensure consistency of scheduling across different time zones. FACTS also cited the need to serve the interests of 'the greatest number of viewers at any one time', which meant regularly scheduled higher rating programs may take precedence over a sporting event.

TWI observed that events that take place outside of Australia or those that do not involve Australians suffer particularly because the timing of these events frequently clashes with regular prime time viewing or regular daytime programming. For this

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<sup>40</sup>Fox Sports submission, p.2.

<sup>41</sup> Fox Sports submission, p.2.

<sup>42</sup> Fox Sports submission, p. 7.

reason these events should not be included in the anti-siphoning list according to TWI as viewers would be better served by pay TV, which can provide more extensive coverage of sports events played in different time zones or of limited public appeal.

### Limiting the list to events actually broadcast, final rounds etc

In arguing that the list should more closely reflect the events that were broadcast live and in full Fox Sports proposed that even if events were not considered for removal in their entirety from the list the current list should be modified to reflect what is actually broadcast live and in full by the free-to-air networks. Examples of modified listings proposed by Fox Sports are: three matches only from the NRL and AFL Premiership Competitions respectively plus final series and Grand Final, each international ‘test’ cricket match involving the senior Australian representative team played in Australia, and finals rounds only in multi-match tournaments such as the Australian Open and Wimbledon.

FACTS rejected ‘pruning back’ the list along those lines as it would result in much less comprehensive free-to-air coverage of currently listed events. For major local events where sporting bodies required free-to-air coverage this would amount to delayed coverage of selected events in preliminary rounds or highlights only coverage, and much reduced, if any, coverage of early rounds of overseas events.

### Events that have been previously delisted

In recognition that events which have been delisted in previous years have not been broadcast at all by free-to-air broadcasters, Fox Sports advocated that all these events should be automatically removed from the list in their entirety. This would include all future Hong Kong Sevens rugby tournaments and overseas cricket tours by Australia.

FACTS acknowledged that on ‘extremely rare occasions’ no free-to-air broadcaster will acquire rights to a listed overseas event. Such a decision would be based on factors relating to the time-zone in which the event is played, the likely appeal of the event to Australian viewers and the cost of acquiring rights and adequate coverage. FACTS rejected that this was grounds for removing these events from the list.

The fact that an event is not acquired or broadcast in a particular year does not necessarily mean that viewers do not have a legitimate expectation or at least hope that the event may be shown on free-to-air television. This public expectation is one of the criteria that FACTS believes should be considered as relevant to the inclusion of events on the list. The fact remains that the anti-siphoning list is the only mechanism that provides any avenue to satisfy public expectations of this type.<sup>43</sup>

### **Fox Sports analysis of broadcast of events on the list**

The ABA has previously examined an analysis of free-to-air broadcast of listed events based on a similar methodology as used in the Fox Sports/Ernst and Young study

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<sup>43</sup> FACTS submission, p. 5.

submitted to the current investigation. This was in the preparation of advice to the Minister's Office and Department of Communications and the Arts in January 1998<sup>44</sup>.

As in the earlier pay TV analysis, described in section 1, Fox Sports has compiled comprehensive data about the potential total hours of broadcast associated with every match of every event on the list. It has then calculated the total hours of live coverage of listed events by free-to-air television as a percentage of the total hours potentially available for live broadcast. In undertaking its calculations it is doubtful whether the pay TV industry has taken account of a number of other considerations, such as technical limitations and contractual obligations, which would reduce the total hours potentially available for live broadcast. This was identified as a difficulty in scrutinising pay TV's claims concerning the use of rights to listed events in the ABA's 1998 advice.

The Fox Sports analysis has provided a useful reference for information about the free-to-air broadcast of some events. However, the ABA has not adopted the methodology used by Fox Sports to establish whether events have been consistently broadcast in the current investigation. Given this, the ABA has not undertaken the very involved and time consuming task of assessing the accuracy of the Fox Sports analysis.

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<sup>44</sup> Discussed in section 1.

## ABA view

The ABA's starting point in considering the criteria for inclusion of events in the Minister's notice is its understanding of the legislative framework and public policy underlying the anti-siphoning provisions. These provisions were introduced to ensure that Australians could continue to have free access to important events – hence events on the list must be consistently broadcast by free-to-air television broadcasters. The ABA also notes however, that the legislation deals with the acquisition of rights and not with the manner in which they are broadcast.

In line with the Explanatory Memorandum's emphasis on 'important event' the ABA considers that regard should also be given to factors such as interest in the sport and extent of viewing of the event or tournament in the past.

### 'Consistently broadcast'

The way in which an event is regularly scheduled and broadcast is based on the complex interaction of a number of factors, namely perceived viewer interest in the event, competing scheduling priorities, and the needs of the sports rights holders and sponsors. The coverage of each sport and sometimes individual events may have their own set of considerations determining whether an event is broadcast at all, is it live or delayed coverage or highlights only, and the extent of the broadcast. That said, the ABA has identified general principles by which to assess whether an event was 'consistently broadcast' over the period between 1996 and 2000.

The Macquarie Dictionary defines 'consistently' as 'constantly adhering to the same principles or course etc'. In the context of sports coverage, this implies a recurring pattern of broadcast from year to year. Establishing the broadcast pattern for each event is a practical exercise undertaken by the ABA in the course of the investigation (see attachment F).

Whether the event was assessed to be 'consistently broadcast' depends on the following general principles:

*Event or some matches in a multi-match event is broadcast each time the event or tournament is held*

An event or tournament cannot be 'consistently broadcast' if there is no regularity or constancy in the coverage, nor would the policy underlying the anti-siphoning rules be served if there is no regular access for free-to-air viewers. However, the ABA does allow that in some exceptional circumstances an event might not be covered on one occasion and this would not necessarily indicate inconsistency of broadcast.

In recognition that some matches in multi-match tournaments are played simultaneously, every match in such an event or tournament need not be covered to establish that the event has been broadcast. However, where preliminary rounds can be distinguished from finals rounds, the patterns of broadcast should be scrutinised separately.

*Extent of coverage is substantially similar each year the event is held (or increasing in amount)*

In looking for similar patterns of broadcast the ABA compared the number of matches or rounds covered each year. The ABA considers that audiences expect the level of coverage of an event to be substantially the same or increasing over time, bearing mind that there may be variation depending on factors such as where the event is played and the participation of Australians. Changes in broadcaster should not affect the extent of coverage.

*Coverage of an event need not be live and in full to be 'consistently broadcast'*

The anti-siphoning provisions deal with the acquisition of rights to events included on the anti-siphoning list, not with the television coverage of those events. The Act provides a separate mechanism, the anti-hoarding provisions in Part 10A, which enables the Minister to designate events which are to be shown live and in their entirety. Analysis reveals extensive free-to-air coverage of events on both live and delayed basis. While viewers would usually prefer to see a sports event live, many events have been traditionally shown on a delayed basis (for all the various reasons outlined in submissions).

The ABA has also accepted that some events are rarely shown in full, for example, overseas golf tournaments where the host broadcasters usually cover the later days play only. For events such as the AFL competition, where each match of each round is listed, many of the 176 matches will not be shown at all on free-to-air television due to contractual arrangements with the rights holders. This has always been the case. The ABA acknowledges that there may be issues here to do with the breadth of the listing and the certainty with which events must be specified on the list, but in the ABA's view these do not go to the consistency of broadcast.

*Highlights only coverage does not mean consistently broadcast*

Analysis revealed for a small number of events there was no consistent pattern of live or delayed coverage, and only a highlights package had been broadcast. This includes events that have been delisted because a free-to-air broadcaster had not acquired the live rights, and the early rounds of some multi-round tournaments. Depending on the sport, it is difficult to sustain an argument of 'consistently broadcast' for these events or parts of events, as highlights do not fully capture the competition and game as it unfolds. Inclusion on the anti-siphoning list is intended to facilitate free access to television coverage of sports events, not to severely abridged versions of those events.

## Public interest in sports events

Inclusion on the anti-siphoning list should reflect the significance of, and public interest in those sporting events. Surveys and ratings data are indicative of interest in television sports.

## *Ratings information*

The ratings figures used in this report are from AC Nielsen Media International. The ratings were collected from the AC Nielsen People Meters in a randomly selected and

representative sample of households in five metropolitan and regional markets.<sup>45</sup> In addition to the people meters, AC Nielsen conducts an annual survey that establishes characteristics of individuals and households including the number of televisions or video recorders in each home, how many children and the various age groupings in each household.<sup>46</sup> From these two sources of information AC Nielsen projects the viewing habits and patterns of Australian television viewers to ascertain the popularity rating of particular television programs.

The rating figures are an estimate only and should only be used as a guide and not as a measure of absolute performance. There is a wide range of factors that may affect a program's ratings. These can include the time of day of broadcast, public holidays, school holidays, the day of the week and the relevant popularity of a particular event.

For example, ratings figures for sports events are strongly affected by regional issues such as interest in or loyalty to a particular sport. An event will also generally rate the best in the city where it is held, due not only to local support but also because it is often heavily promoted there. Similarly, a sport can also rate higher in a particular city if the local team is playing, particularly in a final.

The effect that these variables have on different sports' ratings need to be taken into account and for these reasons it is often difficult to state categorically that a sport is of national importance or cultural significance to a majority of Australians. Further, the ratings do not provide concrete information about national audiences for specific sports due to the differences in timing that sport may be broadcast into the different metropolitan and regional markets.

The top seven sports to watch for heavy television viewers, as measured by AC Nielsen, were Australian Rules (45 per cent), cricket (43 per cent), swimming (38 per cent), tennis (39 per cent), rugby league (31 per cent), motor car racing (29 per cent) and soccer (25 per cent).<sup>47</sup> The picture is much the same for all viewers.

The 50 top rating sports events on free-to-air television for each mainland capital city are listed at attachment I.<sup>48</sup> The data highlights the predominance of the 'major' sports - cricket, Australian rules, tennis, swimming, rugby league and rugby union. All these sports are included in the current listing, with the exception of swimming.

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<sup>45</sup> The metro markets are Sydney, Melbourne, Brisbane, Adelaide and Perth, and the regional areas comprise eastern Queensland, Northern NSW, Southern NSW, Victoria and Tasmania. The sample of households is in proportion to the population in each particular market. In 2000 there were 4,381 households with people meters from which AC Nielsen collected daily free-to-air and pay television ratings data.

<sup>46</sup> In 2000, the Establishment Survey included approximately 40,000 people in the five metropolitan and regional television markets who were interviewed between February and November of that year.

<sup>47</sup> AC Nielsen, *Trends in TV 2001*, p.17.

<sup>48</sup> The number of events within a category and the timing of television coverage will affect the relative ranking of various sports. Some events, such as 'The Ashes' cricket test, are not staged each year, and are not included in the 2000 report.

### *Sweeney Sports Report*

The ABA has also drawn from the Sweeney Sports Report. The Sweeney Sports Report is an annual survey conducted by market research company, Sweeney Research. Approximately 1500 people in Sydney, Melbourne, Perth, Brisbane Adelaide and Canberra are interviewed about their interest, television viewing, attendance and participation in sports. About one third of respondents are aged approximately 16 to 29, 30 to 44 and 45 to 65 years of age. Within each city the results are weighted by age and sex so that the overall findings are representative of the populations surveyed.

The 2001 Sweeney survey covering the year 2000, reported that of the sports people watch on television the top six sports watched were: cricket (watched by 50 per cent of those polled), Australian rules football (46 per cent), tennis (41 per cent), swimming (37 per cent), soccer (32 per cent) and rugby league (35 per cent). Rugby union was the tenth watched sport (28 per cent).<sup>49</sup>

### *Regional differences in interest*

A further criteria which Fox Sports considered relevant to inclusion on the anti-siphoning list was the national appeal of an event. Events which have strong support in some states but minor support in other states are the NRL and Rugby Union.

The ABA recognises the levels of interest in various football codes differ around Australia. However, as indicated above, the levels of interest in NRL and Rugby Union does not appear to be so low as to make them a 'marginal' sport in any region.

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<sup>49</sup> *The Sweeney Sports Report 2000/2001*, 'Overall interest: the top twenty', Sweeney Research Pty Ltd, March 2000, p. 4

## **6. Broadcast of listed events**

To identify events which the Minister might consider removing from the anti-siphoning list the ABA established:

- the consistency of broadcast of each listed event for the past five years, and
- any other factors which might be relevant to whether the event should be considered for removal.

A detailed analysis of the free-to-air broadcast of events on the anti-siphoning list for the period 1996-2000 is at attachment F.

For the majority of events the pattern of broadcast met the criteria for 'consistently broadcast'. Depending on the nature of the particular event or tournament, the location and time, participation of Australians etc the scheduling and broadcast of listed events tended to follow established patterns over the past five years. That is, most of the events received fairly similar levels of live and delayed coverage on each occasion the match or competition was held, as indicated in the attachment.

### **Amount of potential sport covered**

In drawing this conclusion the ABA acknowledges that there are many hours of potential coverage of listed events which are not shown by commercial or national broadcasters. This includes many individual matches in multi-round tournaments and parts of longer events such as golf. In practical terms, not all of such events may in reality be available for television broadcast. The findings of the 1998 ABA study (referred to in section 1) go to this point. In relation to the findings of pay TV the ABA concluded:

The pay TV industry's findings are a reflection of the large number and extent of events on the anti-siphoning list, and the fact that the list does not correspond with actual patterns of normal sporting broadcasts by the free-to-air broadcasters.<sup>50</sup>

The ABA's calculations for 1996-97 put the level of free-to-air broadcast at around 50 per cent of potential total hours. The ABA has not attempted a similar estimation in this investigation.

### **Scheduling of listed events**

As indicated previously (section 4), the ABA is aware from press reports and complaints from members of the public that some sports fans consider their sport to be less well served by free-to-air television than are others. The anti-siphoning rules are not fine-grained regulation. They do not deal with the broadcast of events to which rights are held or with the scheduling of sports events. In concluding that a sports event was consistently broadcast on free-to-air television the ABA is not making a judgement

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<sup>50</sup> ABA advice to DOCA and the Minister on claims by pay TV industry and FACTS regarding the coverage of events on the anti-siphoning list, March 1998, p. 7.

about the manner in which the coverage was scheduled. The rules do not permit the ABA to get closely involved in issues concerning the scheduling and coverage of events on the anti-siphoning list, nor is this something the ABA would seek to do. While broadcasters are generally best placed to balance the different interests of sports fans with those of other viewers, this does not prevent fans from being disappointed in some circumstances.

### **AFL case study**

The scheduling complexity of the broadcast of listed events across different television markets is well illustrated in the case of the AFL premiership competition over the period 1996-2000. Drawing on the data provided by FACTS, attachment G shows how the AFL Premiership Competition was covered in different cities over the period. Each city receives different levels of AFL coverage depending on the interest in the code. However, in all markets the number of matches receiving full coverage (live and delayed) has dramatically increased over the five years. For example, Adelaide viewers received full coverage of 83 out a total of 176 matches in the premiership competition in 1996 (39 of which were live) increasing to full coverage of 127 matches in 2000 (71 matches broadcast live).

The ABA considers that the AFL Premiership competition has been consistently broadcast over the last five years, even though free-to-air television has never broadcast 'each match' in the competition (as expressed on the anti-siphoning list). As discussed previously (section 1), the comprehensive form of the listing by the Minister provided certainty to all parties affected by the inclusion of the AFL competition on the anti-siphoning list. The comprehensive AFL listing has never reflected free-to-air coverage of the competition, nor any real public expectation that every match would be shown. The listing did seek to maintain traditional free-to-air coverage by ensuring pay TV could not acquire exclusive rights to the AFL premiership. This has been achieved but the gatekeeper role of free-to-air in terms of the rights to every match may have had a negative effect on the overall free and pay television coverage of the AFL.

## 7. Consideration of events for removal from the list

### Listed events which were not 'consistently broadcast'

There are a relatively small number of events identified by the ABA as not 'consistently broadcast' by free-to-air television (see attachment F). They are discussed below. The numbering of each event corresponds to the numbers on the Ministerial notice.

#### *2.3 each Australian Football League State of Origin match*

There was decreasing coverage of the event over the five-year period. The event was discontinued in 2000.

##### *Finding*

- The event has not been consistently broadcast and should be removed from the list.

#### *3.7 each international rugby league match involving the senior Australian representative team whether played in Australia or overseas*

Only the international rugby league matches involving the senior Australian team played against international representative teams were consistently broadcast during the period. This coverage included those played in Australia and overseas.

##### *Finding*

- Part of the event has not been consistently broadcast and should be removed from the list.
- Amend the list to:  
each international rugby league match involving the senior Australian representative team *and the senior representative team of another country.*

This amendment will confine the event to matches played by the Australian representative team against other countries' representative sides, excluding, for example, matches played against English provincial teams, which rarely receive free-to-air coverage.

#### *4.3 each match in the Hong Kong Sevens tournament*

This event was not consistently broadcast by free-to-air television during the five-year period. Between 1998 to 2000 the Hong Kong Sevens was delisted and broadcast on pay TV. In 2001, the Seven Network had live rights but did not broadcast the event, which was televised only on the pay TV channel C7.

##### *Finding*

- The event has not been consistently broadcast and should be removed from the list.

### ***5.1 each 'test' cricket match involving the senior Australian representative team whether played in Australia or overseas***

The ABA found that test cricket involving Australia played in Australia and the UK is consistently broadcast by free-to-air, while tests played in other countries is not.

The Nine network afforded test cricket full live coverage when played in Australia and a combination of live-in-part and delayed coverage when played in the UK. When played in other countries, test matches received highlight coverage only. The exception was the Network Seven coverage of the South African tests in 1997, which comprised approximately 4.5 hours live-in-part coverage of most days' play.

The Indian test in 1996 received highlights coverage only from the Nine Network and the subsequent Indian test was delisted in 1998. With the exception of Pakistan in 1998, all other tests played outside Australia and the UK since 1998 were delisted and broadcast on pay TV.

In the near future there may be a new series of test cricket matches covered by this listing. The ABA understands the Australian Cricket Board (ACB) is planning to develop two new test series between an Australian representative side and an international representative team from other countries in the region, including India, Pakistan and Sri Lanka. It is planned that these tests will be played in the Northern Territory or Far North Queensland during the Australian Winter.

#### *Finding*

- Part of the event has not been consistently broadcast and should be removed from the list.
- Amend listing to:  
each test cricket match involving the senior Australian representative team *played in Australia or the United Kingdom*.

This amendment reflects the previous pattern of coverage and consistent delisting of this event. The amended listing would capture new tests played in regional Australia.

### ***5.2 each one day cricket match (including World Series Cricket matches) involving the senior Australian representative team whether played in Australia or overseas.***

The ABA found that one day cricket matches involving Australia played in Australia and the UK is consistently broadcast by free-to-air, while matches played in other countries is not.

The Nine network provided full live coverage of these matches when played in Australia and provided a combination of live-in-part and delayed coverage when played in the UK. As with the tests, one day matches received highlights coverage only when played in other countries, for example, in India or Pakistan. The exceptions were the live and live-in-part coverage of some South African matches in 1997 by the Seven Network and live coverage of three matches in South Africa in 2000 by the Nine Network. Apart from

South Africa in 2000, all other one day cricket matches played outside Australia and the UK between 1998 and 2000 were consistently delisted and broadcast on pay TV.

In the near future there may be two new series of one day cricket matches covered by this listing. The ACB has recently developed a new 'Super Challenge Series' of three one day events, played in Australia between a senior representative Australian team and an overseas representative team. In 2000 these matches were played in Melbourne between Australia and South Africa, and there is another series planned for September 2001.

In addition, the ACB is planning to develop a series of three one day events between an Australian representative side and an international representative team from other countries in the region, including India, Pakistan and Sri Lanka. It is planned that these series of one day matches will be played in the Northern Territory or Far North Queensland during the Australian winter – in conjunction with the test matches discussed above.

#### *Finding*

- Part of the event has not been consistently broadcast and should be removed from the list.
- Amend listing to:  
each one day cricket match (including World Series Cricket matches) involving the senior Australian representative team *played in Australia or the United Kingdom*.

This amendment reflects the pattern of delisting of event over the five year period. It would also capture the new one day events being developed by the ACB.

### **7.3 each match in the French Open tennis tournament**

The Nine Network provided live in part coverage of the men and women's semi-finals and finals in 1996. For the period 1997 to 2000 Nine broadcast the men and women's semi-finals and finals on delay. All other matches of the French Open were afforded highlights coverage, during the five year period.

The timing of French Open matches, which generally commence at 7-8 p.m. AEST, clashes with prime time free-to-air programming in Australia. This clash inevitably determines the number of matches and timing of broadcast of the event on free-to-air television. For example in 2000 the Nine network coverage commenced at around 11 p.m. Fox Sports which has simultaneous rights to the French Open commenced live coverage of matches at the start of play in the mid evening.

#### *Finding*

- Part of the event has not been consistently broadcast and should be removed from the list.
- Amend listing to:  
*the men and women's semi-finals and final* in the French Open tennis tournament.

This amendment to the listing reflects the consistent coverage afforded the finals matches only during the five year period.

***7.5 each match in the Australian Men's Hardcourt Championships (now known as the AAPT Championships) held in Adelaide***

SBS broadcast this event live in full from 1996 to 1998. The Seven Network provided a lower level of coverage in 1999 and 2000, broadcasting the singles finals only live, plus one package of highlights in 2000.

In 2000 most matches of the Men's Hardcourt were played during the week with the finals played the same weekend as the Women's Hardcourt Finals. Both the Seven Network and pay TV (C7) provided limited coverage of the event in 2000. Seven only broadcast the singles final, plus one highlights package.

While tennis is one of the most popular television sports in Australia, the Australian Men's Hardcourt Championships are played in early January at a time when many other tennis events are played. In this month there are six other Australian tennis events, comprising the Hopman Cup, the Thalgo Women's Hardcourt, the AAPT Championships, the Adidas International, the Colonial Classic and the Australian Open.

While the singles final of the Australian Men's Hardcourt Championship has been broadcast each year, the event has received diminished coverage since 1998. In the context of an anti-siphoning list of tennis events that includes the four Grand Slam tournaments, the Davis Cup and the Adidas International tournament, the event should be removed.

*Finding*

- The event has not been consistently broadcast and should be removed from the list.

***7.6 each match in the Australian Women's Hardcourt Championships (now known as the Thalgo Australian Women's Hardcourt Championships) held in Brisbane***

This event was not broadcast on free-to-air television in 1996 or 1997. The Seven Network broadcast one highlights package of matches in 1998 and two highlights packages in 2000.

This international tennis event is played over four days in early January, with most matches played during the week, lasting into mid to late evening. The event finals are played on the weekend to ensure higher attendances at matches. In 2000 pay TV channel C7 broadcast the tournament live whilst the event only received highlights coverage on the Seven Network.

As previously stated, tennis is one of the most popular television sports events in Australia, though the timing of this event, as with the Men's Hardcourt Championships

above, means it is unlikely to receive extensive coverage, especially given the availability of other tennis events at this time of year.

*Finding*

- The event has not been consistently broadcast and should be removed from the list.

**9.1 each match in the Australian National Basketball League playoffs**

The basketball playoffs comprise six semi-finals and three Grand Finals matches. Between 1996 and 1997 Network Ten generally broadcast playoff matches live in full into the home cities of teams playing that match. Other matches were broadcast on delay. From 1998 to 2000 the ABC consistently broadcast all Grand Finals and varying numbers of semi-finals matches either live or on delay.

Currently, NBL semi-finals and finals are generally played mid evening, Wednesday, Friday or Saturday nights depending on the city of play. The timing of these events means that free-to-air broadcasters cannot cover the matches live without rescheduling prime time programming. As a result, matches have only been broadcast on free-to-air on delay, or live when the match is played on weekend afternoons, reflecting the lesser status of this sport. (Basketball is ranked as the eighth most popular sport in overall television interest by the 2000 Sweeney Report.)

In 2000 most semi-finals and Grand Finals, which were generally played in the mid evening time slot outlined above, received live and full coverage on pay TV channel Fox Sports.

*Finding*

- Part of the event has not been consistently broadcast and should be removed from the list.
- Amend listing to:  
*the grand final games of the Australian National Basketball League.*

This amendment reflects the free-to-air coverage afforded the Grand Finals matches during the period and the inconsistent coverage of other playoff matches.

## **8. Addition of new events to the list**

In addition to considering which events might be removed from the anti-siphoning list the Minister directed the ABA to investigate which events should be added to the list.

### **Possible additions to the list**

Submitters nominated 15 sports events for possible addition to the anti-siphoning list.

#### ***Proposed by FACTS***

- Summer and Winter Olympics;
- Commonwealth Games;
- Australian, World and Pan Pacific Swimming Championships; and
- Rugby Super 12.

#### ***Proposed by SBS***

- each full international soccer match involving the senior Australian representative team whether played in Australia or overseas;
- UEFA Cup Final and UEFA European Champions League Final (finals of the two European football club championships, which are played every year); and
- all matches in the European Football Championships (as in 'Euro 2000'), which occur every four years.

#### ***Proposed by ABC***

- National Netball League finals; and
- Australian Women's Basketball National League finals.

#### ***Proposed by Dr Janet Woollard MLA, Member for Alfred Cove, WA***

- international lawn bowls events involving Australia and Australian championship lawn bowls matches.

### **Analysis of events identified for possible addition to the list**

A detailed analysis of the free-to-air broadcast of events proposed for possible addition to the anti-siphoning list for the period 1996-2000 is at attachment H. The main findings are summarised below.

#### **Summer and Winter Olympics**

The Olympic Games are staged every four years. During the five-year broadcast period, the winter games were held in Nagano in 1998 and the summer games were held in Atlanta in 1996 and Sydney in 2000. Both the Summer and Winter Olympics received

extensive coverage on both free-to-air and pay TV, with the Seven network providing comprehensive all-day coverage of the Sydney games on both its free-to-air and pay TV channel in 2000.

The dual coverage afforded the Games during the period indicates that mutually beneficial agreements have been entered into by free-to-air and pay TV broadcasters to ensure maximum coverage of the events.

It is not established that the Olympic Games would be siphoned exclusively to pay TV. The Olympic Charter's media policy ensures that the broadcast rights to the Olympic Games are only sold to broadcasters that can guarantee the widest coverage of the games free of charge.<sup>51</sup> In 2000 IOC President Samaranch reiterated this policy, 'The Olympic games are special to everyone, so everyone should be able to watch them on TV free-of-charge'.<sup>52</sup> The ABA is aware that the Australian free-to-air rights to the Olympics extend to the 2008 Games.

### Commonwealth Games

The event is staged every four years with the last Commonwealth Games held in Kuala Lumpur in 1998. The Nine network provided a mix of live, delayed and highlights coverage over the 12 day event. Typically this comprised approximately ten hours of coverage commencing midday and continuing through to late evening each day. Pay TV channel Sports Australia (Optus Vision) also provided full, live coverage of the 1998 Games. Complementary coverage of the games by free-to-air and pay TV ensured that all events, including those played simultaneously at different venues, were afforded comprehensive coverage.

The Manchester 2002 (M2002) organising committee advised the ABA that the Commonwealth Games Federation (CGF) Constitution, does not mandate the Organising Committee to sell television rights first to free-to-air broadcasters. However, there is a clear understanding between M2002 and the CGF that wherever possible they will sell the rights to free-to-air broadcasters to ensure the widest possible coverage of the event. To date all their television deals for the 2002 Games are with free-to-air broadcasters, including in Australia where the Seven network has the rights.

### Rugby Super 12

The Rugby Super 12 competition is in a somewhat different category to other events proposed for addition to the list. The event was developed specifically for pay TV in 1995 as a subscription driver, especially for the AB demographic. News Ltd, part owner of pay TV channel Fox Sports, negotiated the broadcast rights for the Super 12, from Australian Rugby Union (ARU) until 2005.

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<sup>51</sup> Rule 59 of Olympic Charter: 'It should be an objective of the Olympic Movement that the media coverage of the Olympic Games, by its content, spread and promote the principles of Olympism'.

<sup>52</sup> IOC press release 3 August 2000.

ARU subsequently negotiated a broadcast deal between News Ltd and the Seven network to ensure delayed coverage of some matches on free-to-air television. This deal resulted in an increase in delayed coverage of some matches played in Australia on free-to-air during the period.

The pattern of coverage on free-to-air television Rugby Super 12 tournament over the last five years has not been consistent.

## Swimming

Recent increased coverage of swimming was strongly influenced by interest in Australian swimmers in the lead up to the Commonwealth Games in 1998 and the Sydney 2000 Olympics. The three swimming events proposed to be added to the list by FACTS have received increasing coverage in recent years.

### Australian Swimming Championships

These Championships are held annually and often double as the Australian team selection trials for major international meets, for example the Commonwealth or Olympic Games. During the three year period 1996 to 1999 the Australian Swimming Championships received highlights package coverage only on free-to-air television. This coverage was in varying late night timeslots throughout the duration of the event.

In 2000 the event was staged as the trials for selection of the Australian team for the Olympic Games. The Nine network afforded the Championships full, live and replay coverage. Fox Sports also provided simultaneous, full live coverage of the event.

### FINA World Swimming Championships (Long Course)

The long-course swimming championships are now held every two years. This event is regarded as second only to the Olympics at an international level. The championships are held over eight days with over 100 countries participating in men and women's swimming and diving events.

The previous long-course championships were held in Perth in 1998 and as the event was considered an international pre-trial to the 1998 Commonwealth Games, it received a combination of live and highlights coverage on the Seven network. For example, the more popular men's freestyle relay, involving top Australian swimmers was broadcast live whilst less popular events received highlights coverage only. The event is now held in non-Olympic years and the next championships will be staged in Japan in July 2001. Coverage in Australia in 2001 will comprise extensive live free-to-air broadcast of evening events (semi finals and finals) in prime time, with pay channel Fox Sports also providing delayed coverage.

## Pan Pacific Championships

The Championships are held every two years with Japan hosting the event every second year. For example, Japan staged the event in 1997, it was held in Sydney in 1999 and it will be back in Japan in 2002.

In 1997 when held in Japan the event received highlights only coverage from the Nine network. In contrast in 1999 the Nine network afforded the Championships extensive live and replay coverage. A key factor to this change in coverage in 1999 was the event was considered the final, top level international swimming competition prior to the Olympic Games. Further, the event also afforded a high level of exposure to up and coming Australian swimmers as they competed against other national and international swimmers. Pay TV channel Fox Sports also provided daily highlights of the 1999 Championships.

The ABA has also been advised by Australian Swimming that it is uncertain at this stage whether the event will continue beyond 2002.

## Soccer

SBS proposed the addition of four soccer events to the anti-siphoning list. These additions comprised 'each full additional soccer match involving the senior Australian team whether played in Australia or overseas', the European Football Championships (Euro Championships), the United European Football Associations (UEFA) Champions League Final and UEFA Cup Final.

The Euro Championship is a high level competition which occurs every four years. SBS broadcast Euro '96 and FOXTEL broadcast Euro 2000. Due to the loss of the event by SBS in 2000 it cannot be said that the event has been consistently broadcast by free-to-air television. However, SBS states that when broadcast in 1996 the event achieved a combined five city audience of approximately 2 million viewers, this figure did not take into account regional audiences. In 2000 there was complaint from soccer fans when pay channel Fox Sports acquired the exclusive broadcast rights to this event.

The UEFA Championship League matches, including the final, and the UEFA Cup Finals are European club matches that have been broadcast consistently by SBS since the early 1980s. Due to the time of play in Europe, broadcast in Australia has primarily occurred early morning AEST. Both events have also received some coverage on pay television in recent years.

The Australian representative team matches as proposed by SBS would cover a number of soccer competitions. These would include all international representative and 'friendly' matches, the Oceania Confederation Cup (which is a regional pre-FIFA World Cup tournament) and the FIFA Confederations Cup Tournament. These matches have received varying levels of coverage on free-to-air and pay TV depending on the rights arrangements. For example, in the Confederations Cup Seven had the rights but did not broadcast the matches live. They were subleased delayed to SBS, with C7 playing closer to the event. Seven also has the rights to the Socceroos 'at home'. In the recent World Cup regional qualifier Australia New Zealand matches broadcast live on SBS, Seven sub-leased the Sydney match and SBS had the rights for the Wellington match.

## Cycling

SBS has proposed that the Tour de France Cycling Classic be added to the list. This event has consistently received daily half-hour highlights coverage from SBS since 1991. In 2000 pay channel Fox Sports also provided highlights coverage of the event.

## National Netball League (Commonwealth Bank Trophy) Finals

The ABC has consistently broadcast netball primarily on delay during the past five years. The Commonwealth Bank Trophy (CBT) began in 1997 and is a national competition between NSW, South Australia, Victoria, WA and Queensland. Games are played weekly, usually on Friday and Saturday evenings, between April to August each year. The ABC has provided next day delayed coverage of this event with pay TV providing same day, delayed coverage since 1999. Overall netball as a sport, and the CBT finals in particular, have received complementary coverage by free-to-air and pay TV, which indicates there may be limited potential for the event to be siphoned by pay TV.

## Women's Basketball League Finals

ABC has consistently broadcast women's basketball including the League finals during the period. Fox Sport also currently provides complementary coverage of the finals.

The Women's National Basketball League (WNBL) in a submission to the ABA advised they have broadcast agreements with both FOXTEL and the ABC that provide for dual coverage of the League. The WNBL opposes inclusion on the anti-siphoning list.

## Lawn Bowls

ABC broadcasts some Lawn Bowls matches usually weekday or Saturday afternoons. Usually packages of these games, especially international 'tests' are then broadcast on Fox Sports after the ABC coverage. Informal consultation with Bowls Australia indicates that under an agreement with the ABC, coverage is repackaged and then resold to Fox Sports and Sky Vision. This allows for optimum exposure for the sport on both free-to-air and pay TV.

## **ABA view**

Consideration of the possible addition of new events to the anti-siphoning list raises wider issues about the purpose and future of the anti-siphoning provisions discussed in later sections of the report. These are ultimately issues for the Minister. However, the likelihood of more fundamental reassessment of the operation of the anti-siphoning rules, cautions against any significant extension of the list at this time.

As noted by a number of submitters inclusion on the anti-siphoning list creates a public perception about the coverage of the event, which cannot necessarily be guaranteed by the anti-siphoning provisions. Removing those events that the ABA has identified as not being consistently broadcast will better align the list with actual coverage of events and hopefully public expectations. Adding more events to the anti-siphoning list may further raise expectations about the broadcast of these events in the future.

Excluding the events identified in section 7 for possible removal from the list, the current list still captures a broad range of sporting events in nine of the top ten television sports of interest to Australians, including the major local and international competitions. In this regard the ABA notes that apart from additions to the list to capture changes to the rugby league competition, the Minister has not added any new events to the anti-siphoning list since its creation in 1994.

In the ABA's view any new event should meet a high test for addition to the list. Not only should the event have been consistently broadcast on free-to-air television, it should be of considerable public interest. Listing the event should also serve to prevent possible migration of the event exclusively to pay TV. Estimating the risk of migration cannot be done with certainty.

Under the current arrangements free-to-air and pay TV delivers a great deal of complementary, simultaneous and expanded new coverage of sports events. Many of the events proposed for addition to the list have been consistently broadcast by free-to-air and pay TV. Sporting bodies seek the large audiences which free-to-air coverage offers sponsors and fans together with the expanded coverage and rights income available from pay TV. This underscores the fact that within an Australian television system of both free and pay TV, the market has operated to deliver a number of sporting events to the free-to-air viewing audience without the intervention of the anti-siphoning list.

Amendments to add events to the anti-siphoning list are not retrospective. This means that if the rights have already been acquired by a pay TV licensee or a free-to-air broadcaster, adding the proposed events to the anti-siphoning list will in effect be meaningless until such a time that the contract for the rights expires.

Information about who has acquired the broadcast rights to these events and the period covered by the contract, was sought from free-to-air broadcasters. The ABA understands that free-to-air broadcasters currently hold rights to most of the proposed events, often for several years. While a number of rights holders chose not to participate in the ABA's investigation, the views of relevant Australian sports organisations should be ascertained before adding any events to the list.

## New events for the list

There are two sports categories where the ABA has identified a shift in public interest and in the significance of television coverage which warrants the Minister's consideration for possible additions to the list.

Swimming has always been a top sport of great importance although interest in swimming as a television event has tended to depend greatly on the participation of Australian contestants. The growth in swimming as a television event in the lead up to the Commonwealth Games in 1998 and the 2000 Olympics has been reflected in increasing levels of free-to-air television coverage and very high ratings, as discussed above. Audiences attach considerable importance to watching Australian compete at the elite international level. Accordingly, the ABA has identified the World Swimming Championships (Long Course) and the Pan Pacific Swimming Championships as swimming events which the Minister should consider adding to the list.

Soccer is a sport with a growing following amongst Australian audiences generally. It matches Rugby Union in level of interest in television viewing. Increasing broadcaster interest is reflected in the Nine Network's acquisition of the rights to the 2006 World Cup and FOXTEL's exclusive coverage of Euro 2000. Accordingly, consideration should be given to listing those international soccer matches involving the senior Australian representative team, in a similar way that international 'test' matches are covered for Rugby Union. 'Friendly' matches which do not involve the senior representative team of the other country should not be included on the list.

The ABA recognises that the UEFA Championship League and the UEFA Cup Finals have been consistently broadcast by SBS but the ABA considers they are of substantially lesser significance than matches involving the national Australian soccer team.

The ABA does not favour extending the anti-siphoning list to cover any other events. In brief the ABA's reasons are:

- The possibility that the constitution of the Olympic or Commonwealth Games would allow them to be siphoned to pay TV is not established. As the events comprise many days of sport covering many different events, listing of the total games might not be appropriate but limiting the listing would be complex and might not be able to be done with certainty. The ABA notes the complementary coverage by provided by pay TV in the past and the rights currently held by free-to-air television until beyond the life of the anti-siphoning list.
- Pay TV has the rights for the Rugby Union Super 12 for some years ahead. It is a tournament which was specifically developed for pay TV and has been important in attracting subscribers. The ABA notes that Seven appears to have negotiated improved arrangements for free-to-air coverage – 24 hours of full game replays and 14 hours of highlights packages, and that other important Rugby Union matches are included on the anti-siphoning list.
- Interest in cycling, netball, lawn bowls and women's basketball as television events trails behind the major sports. The position of the WNBL opposing inclusion of the National League demonstrates to the ABA the importance of sports of lesser

‘economic clout’ being able to continue to negotiate freely with free-to-air and pay TV.

## **9. What date or dates should protection expire for events on the anti-siphoning list?**

The current anti-siphoning list has effect from 6 July 1994 to 31 December 2004 – a ten year period. As part of its investigation into events on the list, the ABA has to report to the Minister on ‘the date or dates on which protection should expire for events that the ABA considers should be retained in or added to the Notice’.

Submitters were requested in the issues paper to consider expiration dates for the events on the list and for any possible new inclusions. The question of the future life of the anti-siphoning list as a whole was also raised.

### **Submitters’ views**

The ABA notes the practical difficulties of any scheme that aims to set dates for individual events. This includes the inherent complexity of such a task and importantly, the likelihood of compromising the confidentiality of rights ownership arrangements by reference to any individual sport. No submitters supported such an approach.

All free-to-air broadcasters endorsed the extension of the current arrangements for a further ten years until 2014. FACTS submitted that there is an ongoing need for the anti-siphoning provisions, as most viewers still rely on free-to-air services for televised sporting coverage, and may continue to do so indefinitely.

Increasingly and as demonstrated by a number of recent examples such as Super 12 and AFL, sporting rights will be controlled by international companies having close links with Australian pay television operators. While viewers clearly continue to expect to see major events on free-to-air services, this may not happen unless there is legislative intervention.<sup>53</sup>

At a practical level FACTS pointed to the lengthy periods that sporting rights are customarily negotiated for. To allow the necessary certainty in long-term rights negotiation, the list should be extended to 2014.

Pay TV submitters and the AFL did not endorse any extension of the list, instead advocating wider reform as the priority.

We believe that the dates upon which protection should expire for listed events really depends upon whether the anti-siphoning scheme is to be reformed on a sensible basis prior to its current expiry date, and if so, the nature and extent of such reform will

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<sup>53</sup> FACTS submission, pp.11 - 12.

largely determine whether protection for listed events after such reform should expire, if at all.<sup>54</sup>

TWI acknowledged that the Australian television industry was in a period of rapid change, including the emergence of video streaming on the Internet and digital television and the increasing popularity of pay television, which could warrant an early review of the list. Otherwise TWI proposed that protection for events on 'any revised anti-siphoning list should expire five years from the publication of the new list'.<sup>55</sup>

## **ABA view**

The current decade promises to be the most structurally significant for Australian television. Reviews of the simulcast requirement for analog and digital services (that restricts multi-channelling), including conditions on commercial services preventing the provision of subscription services, are due for completion by 2005. The simulcast period is currently planned to end by 1 January 2009. These reviews will have implications for the future of HDTV and multi-channelling by free-to-air broadcasters and the corresponding impact on pay TV. The moratorium on new commercial television licences is scheduled to end on 1 January 2007. Developments with Internet video streaming may also have implications for the broadcast and viewing of some sports events. These are potentially major changes in the television landscape.

Changes to arrangements affecting the acquisition and use of television sports rights, anti-siphoning and the balance between the main players ideally should be linked with policy settings that come from the digital reviews, including any changes to the restrictions on multi-channelling after 2005, and the 2006 moratorium on new commercial television licences.

Amendments to the anti-siphoning list being proposed for consideration by the Minister amount to appropriate adjustment of the list to better reflect free-to-air's broadcast of the events, together with additions in two sports categories in which there is increasing public interest. These amendments should be implemented as soon as possible. The new list should run for no more than five years through to the end of 2006. By this time more far reaching changes to the scope of the list and its operation should be decided in the context of the outcomes of the scheduled reviews.

While certainty for rights holders and broadcasters is an important consideration this should not be the overriding concern. In the ABA's view it would be unfortunate if the current arrangements extend past the period when maximum policy flexibility will be required. The implications for the anti-siphoning rules of anticipated structural, technological and regulatory changes should be considered in a substantial policy review which goes beyond the terms of reference of the current investigation.

Even if a more stable environment was contemplated, the ABA is not convinced that, from a practical standpoint, it is necessary to extend the protection of the anti-siphoning list beyond 2006. Broadcast rights can be negotiated many years in advance, for

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<sup>54</sup> Fox Sports submission, p. 15.

<sup>55</sup> TWI submission, p. 5.

example, the NRL negotiated free-to-air rights in 1997 for the period 1998 to 2007, and in 2000 the AFL negotiated for the period 2002 to 2006. However, the ABA's monitoring indicates that rights to many listed events are acquired not so far into the future, many for three to five years. By signalling a schedule for predicted change players should be able to take this into account in the timing and terms of contracts for future broadcasting rights.

The ABA's proposed timetable would not exclude the possibility of the Minister extending the coverage of the list for individual sports if considered necessary, as he did to ensure that the 2006 FIFA Soccer World Cup final received free-to-air coverage.

## 10. Prohibition on acquisition of rights by third parties

The condition preventing pay TV licensees from acquiring the exclusive rights to an event on the anti-siphoning list does not apply to related companies or associates of the licensee. The licence condition applies only to pay TV licensees, preventing them from acquiring the exclusive rights to listed events.

FACTS submitted that the efficacy of the list was undermined by this ‘loophole’ because:

Once these rights have been acquired, the rights holder can control the terms on which the rights are offered to the free-to-air broadcasters. The rights holder can impose terms which limit the amount, timing or scope of the coverage by free-to-air broadcasters, and the commercial viability of acquiring those rights on offer ...

If the rights on offer are rejected by free-to-air broadcasters, a pay television licensee may then apply to have the event delisted, effectively circumventing the intent of the legislation.<sup>56</sup>

FACTS considered that this deficiency in the anti-siphoning provisions should be rectified and called on the ABA to recommend changes to the legislation in its report to the Minister affecting the activities of associates of pay TV licensees and related corporations.

Free-to-air broadcasters are subject to strict tracing and associate provisions in Schedule 1 to the *Broadcasting Services Act*. There are no sound policy reasons why similar provisions do not extend to pay TV licensees in relation to the anti-siphoning licence condition, particularly given the complex corporate structures involving pay TV entities.<sup>57</sup>

ASTRA addressed the role of third parties in the acquisition of rights to listed events in its submission to the Senate Environment, Communications and Information Technology and the Arts Legislation Committee concerning the Amendment Bill (No 2). ASTRA submitted that there was no evidence that any sports rights holder, or intermediary, has attempted to withhold FTA rights from Australian FTA television in order to deal exclusively with pay TV.

... an intermediary, like any other sports rights holder, has a commercial imperative to maximise the audience reach and the revenues it can obtain for its rights. This imperative necessitates a FTA rights sale if at all possible.

In addition, ASTRA is aware that sports bodies will impose on intermediaries an obligation to secure FTA coverage in all markets where TV rights are sold by that intermediary. For example, soccer’s world governing body, FIFA, insists on this in relation to the sale of World Cup Soccer rights.<sup>58</sup>

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<sup>56</sup> FACTS submission, p. 14.

<sup>57</sup> *ibid.*

<sup>58</sup> ASTRA submission to the Senate Environment, Communications and Information Technology and the Arts Legislation Committee concerning the Broadcasting Legislation Amendment Bill (No 2) 2001, p.2

There are also obligations imposed by sports bodies on third parties to ensure free-to-air coverage in all markets where television rights are sold by that organisation, for example, FIFA in relation to the World Cup Soccer rights.

### **ABA view**

The ABA is not convinced that the ability of third parties to purchase rights to listed events ahead of free-to-air broadcasters operates to thwart the purpose of the legislation, that is, to prevent the migration of sports events exclusively to pay TV.

If a related company or associate of the licensee acquires the right to a listed event, the licensee cannot show the event until free-to-air broadcasters have been given a reasonable opportunity to acquire the rights. If this does not happen then the event will not be delisted and no one broadcaster can cover that event. It is in the commercial interests of the third party and the licensee to adhere to the legislation in respect of reasonable offers to free-to-air. The ABA has no evidence to the contrary. Each delisting has been scrutinised by the Minister (with advice by the ABA) to ensure the process was not problematic. Under automatic delisting provisions future processes will also be open to scrutiny and intervention by the Minister.

Two recent situations have been brought to the ABA's attention as examples of the 'loophole'. The delisting of Australian cricket tours of the Indian sub-continent involved the purchase of rights by Fox Sports from News Limited, a company associated with FOXTEL. These cricket tours have traditionally not been covered to any extent by free-to-air television. At most, a free-to-air broadcaster has sought a highlights package, while the pay operator seeks to cover the tour live. Complaint has been made that it is not commercially viable to acquire the rights on offer, but did not oppose the delistings.

Network Ten submitted that the exclusive free-to-air and pay TV rights for the 500cc motorbikes (1999 and 2000) were acquired from the overseas rights holder by Fox Sports who on-sold the free-to-air rights to Ten. Fox Sports, as host broadcaster, limited the footage available to Ten for its free-to-air coverage, depriving free-to-air viewers of the same coverage as enjoyed by pay TV subscribers. Free-to-air viewers would have enjoyed greater exposure of their sport had Ten had the opportunity to be the host broadcaster of the event.

The ABA recognises that the amount and scope of Ten's coverage was not at the level available to pay TV subscribers because Fox Sports was the host broadcaster. However, the anti-siphoning provisions did ensure that the rights were acquired by Ten and the event broadcast. It could not be said that the objective of the rules was undermined by this arrangement.

In the ABA's view the legislation should strike a balance between the interests of free-to-air broadcasters and pay TV. The practical effect of extending the legislation as proposed by FACTS is that all rights holders would have to first deal with the free-to-air broadcaster and so further strengthen its position as gatekeeper in negotiations for rights to listed events.

From a practical viewpoint the application of tracing provisions would require greater intervention by the ABA, including involvement in sensitive commercial negotiations

that is not necessary under the existing provisions, which could be complex and time consuming.

For these reasons the ABA does not support changing the rules to restrict the activities of related companies and associates of pay TV licensees in relation to the acquisition of sports rights. However, it is an issue that can be revisited in the proposed review if future monitoring of the anti-siphoning provisions reveals that the role of third parties has become problematic.

## 11. Non exclusive rights – ‘dual rights’

The Minister’s direction to the ABA primarily concerned the events on the list rather than the operation of the rules. For the pay TV industry and rights holders these issues are intertwined and the ABA’s investigation became a forum for further consideration of the merits of a possible ‘dual rights’ regime for events on the anti-siphoning list. The support for such an approach by a number of organisations, such as the Productivity Commission in its Inquiry Report on Broadcasting, has been mentioned earlier.

Pay TV agreed with the general policy premise that free-to-air audiences are entitled to see major sports events. FOXTEL submitted that pay TV did not seek to reduce the amount of sport that is available on free-to-air television for Australians to see, but to preserve free-to-air coverage of sport while enabling pay TV to extend the television sports coverage that is available to Australians. A system of dual rights, offering simultaneous free-to-air TV and pay TV windows on the same sporting event, would achieve this. In its submission Fox Sports argued that the principle of dual rights is already being employed with some listed sporting events including the AFL, NRL, soccer, tennis and motorbike racing.

Speaking as the peak organisation for sport in Australia, SIA urged consideration of a dual rights system. Such a system would increase television exposure for sport with the potential to grow revenues for sports bodies and participation in the relevant codes. Such reform was fundamentally important ‘for an industry that is continually urged to become more business like, rely less on government funding yet still provide sport participation opportunities for all Australians’<sup>59</sup>.

In its submission and in additional material provided to the ABA, FACTS argued that a dual rights approach would not satisfy the legislative intentions and would disadvantage viewers. Commercial television networks described examples of simultaneous coverage with pay TV as exceptional instances, involving contractual arrangements that have since been renegotiated or involved a few events where non-exclusivity was accepted in return for a greatly reduced rights fee or no fee at all.

FACTS stated that exclusive coverage was necessary because:

- Dividing the audience between identical sporting coverage on free-to-air and pay TV will severely affect the free-to-air broadcaster’s ability to attract and preserve commercial sponsorship and advertising, and therefore to the commercial viability of showing the event on free-to-air television.
- Even a ten per cent drop in viewers resulting from split audiences would make some sporting events quite marginal or simply not viable. In some multi-round events, it is only the event as a whole which is viable. Earlier rounds of an important event may not be commercially viable if separated from later ones.
- Dual rights may result in uncertainty in the market where competing companies could sponsor the same event on different platforms. In addition to the fact that

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<sup>59</sup> Steve Haynes, CEO, SIA, editorial in *The SportScape*, July 2001

advertisers place a priority on exclusive association with an event, dual rights would make it difficult to conclude timely deals and have a chilling effect in the marketplace.

FACTS did not foresee a drop in rights costs unless the sport regarded free-to-air coverage as essential to their sport. The result would be free-to-air viewers losing access to much sporting coverage currently available to them or paying to view events they have hitherto been able to enjoy free of charge.

Even where free-to-air coverage is seen as desirable to the rights holders in the short or medium term because of the requirements of sponsors, FACTS submits that sporting rights are used as subscription drivers for pay television in other countries. This is aimed ultimately at migrating audiences from free to pay television and, by this means, achieving similar exposure for advertisers and forcing viewers to pay for events they have previously enjoyed for free.

### **ABA view**

If an alternative system can achieve greater access to sports rights for pay TV while maintaining existing public policy objectives for anti-siphoning, it should be critically evaluated.

The majority of Australians do not subscribe to pay TV. The continuing dominance of free-to-air television justifies the maintenance of regulatory measures to ensure that major sports events are not exclusively available on pay TV. At the same time the anti-siphoning rules should not enable free-to-air to lock up sports rights and so limit the capacity of pay TV viewers to enjoy more extensive coverage of sport available on dedicated sports services. The current system, which is intended to prevent exclusive acquisition of listed sports events, has resulted in difficulties for pay TV in acquiring considerable sports content on a non-exclusive basis. The acquisition of attractive programming, including sport, is vital if pay TV is to expand its subscriber base and move forward with digital broadband services, including enhanced services in regional Australia.

Whether the solution is a prohibition on broadcasters in one form of broadcasting from acquiring rights to listed events to the exclusion of those in other forms of broadcasting is uncertain.

The ABA notes that the Explanatory Memorandum to the Amendment Bill (No 2) 2001 analysed the possible impact of adopting a 'dual rights' approach. The approach was rejected on the basis that there was no guarantee that rights holders will choose to offer separate rights, and that the option is only applicable in circumstances where rights holders offer separate, non-exclusive broadcasting rights to pay TV and free-to-air broadcasters. The objective of ensuring free-to-air coverage of listed events could be subverted if for instance, pay TV broadcasters were prepared to pay a premium on the understanding that additional rights would not be offered to free-to-air broadcasters. This possibility would need to be addressed in any non-exclusive rights system.

More difficult to assess are the competing claims of FACTS and the pay TV industry about the impact of loss of exclusivity when sports events are broadcast simultaneously

on both commercial and pay TV. There are conflicting public positions put by both sides in different forums.

The ABA recognises that sports bodies desire the wide exposure offered by network television, when pay TV offers relatively limited audiences. It is not certain that they would ignore the interests of fans and sponsors who need their sport covered on free-to-air television. Increasingly sports bodies and sponsors are looking at a combination of free-to-air and pay coverage. The co-operative arrangements between the Seven network and C7 are an example of active involvement by both parties, albeit related, in providing complementary coverage of a number of sports.

Testing claims about the impact on financial viability of sports coverage is very difficult given the high level of commercial sensitivity of the relevant information. For example, the cost of non-exclusive rights might be significantly less than for exclusive rights and so compensate commercial broadcasters for the drop in returns from advertisers and sponsors.

If sports bodies seek to maximise potential returns under a freer sports rights system, the costs of rights for non-exclusive coverage might not drop substantially. On the other hand the additional revenue stream from pay TV may compensate for the anticipated diminished rights fee paid by a commercial broadcaster.

Other issues to consider include the role of the host broadcaster who will pay for production of the event. In what way will these costs be passed on and how will that impact on the financial viability of the event for the other party?

### **Alternative approach**

The UK provides an example of a 'non exclusive' approach to anti-siphoning issues. The policy rationale is the protection of live coverage of major sports events for free-to-air audiences, but there is a greater balance between the interests of the various television broadcasters. A non-exclusive regime operates for events on the Group A list with neither free-to-air television or pay TV permitted exclusive live rights to a small group of key events. Exclusive live broadcast of Group B events is permitted where there are arrangements for supplementary coverage of other forms of broadcasting (see attachment D).

The ABA sees merit in arrangements which provide enhanced access for pay TV to sports rights while protecting access for free-to-air audiences to major events. However, the much larger size of the UK television market (16.5 million free-to-air television homes and 7.8 million pay TV homes) may soften the commercial impact of non exclusive sports coverage. The UK list captures fewer events than does the Australian list. These are events which would draw substantial audiences, contributing to the viability of the 'non-exclusive rights' approach.

In the smaller Australian market exclusivity may be more critical for all but the 'marquee' events, so that a UK style scheme would reduce the attractiveness of much of the sport on the current list to free-to-air broadcasters. Clearly a new system which undermined the viability of many sports events for free-to-air broadcasters would not serve the interests of general viewers. Hence the need to reduce the scope of the

Australian list to remove all but the key events in each category from the protection of the anti-siphoning list. Market forces would then determine the manner in which unlisted sports are covered, with free-to-air television negotiating exclusive live rights if it wished or sharing coverage with pay TV as is the case with many events not currently listed.

Consideration of any non-exclusive rights system should be done in tandem with a reshaping of the list to ensure that any possible negative impact on audiences and sports bodies is minimised. It should also be informed by a rigorous examination of the interplay of market factors on the acquisition and use of sports rights from the perspective of broadcasters, advertisers and sports bodies. Such an analysis was not possible within the context of the current investigation. In this regard, the ABA notes that in the Productivity Commission's recent analysis of television broadcasting of sport, it commented on the difficulties for developing efficient and effective policies due to the 'poor level of data and analysis of the economics of sport in Australia'<sup>60</sup>.

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<sup>60</sup> Productivity Commission 2000, *Broadcasting*, Report No 11, p.424

## **CONCLUSIONS**

### **12. Future of the list**

The purpose of the investigation was to advise the Minister on the future scope of the anti-siphoning list – this was the main focus of the ABA’s deliberations. Wider issues to do with the operation of the list were raised by submitters and were relevant to the ABA’s consideration of the date for which protection of the list should expire.

#### **Remove events not consistently broadcast**

Free-to-air television is still the predominant medium. It is important that Australians can continue to access major sports events that they have traditionally watched free of charge. The ABA supports the philosophy underlying the anti-siphoning provisions but does not support a long extension of the current arrangements without a thorough examination of both their operation and the events on the list.

The anti-siphoning list affords free-to-air broadcasters considerable advantage in the acquisition of rights to a broad range of sports events, comprising many more hours than could be physically broadcast. Within this context the ABA endorses the policy that only events which have been consistently broadcast for the past five years should be on the list.

While full live coverage of listed events is highly desirable, the ABA recognises that this is frequently not possible. Given that the current list supports continued coverage that has been traditionally provided by free-to-air television, it would not be appropriate to demand full live coverage for all events on the list.

Applying the general principles set out in section 5 the ABA found that the majority of events on the anti-siphoning list were consistently broadcast, with established patterns of live and/or delayed coverage. However, the list does include some events and parts of events which have not been consistently broadcast over the past five years. The rights to some of these events have not been acquired, or in some instances only highlights or some delayed coverage has been provided by years by commercial or national broadcasters. This includes previously delisted events.

Removing these events amounts to appropriate amendment of the list, to more closely reflect past coverage by free-to-air television.

#### **New events for the list**

The ABA analysed a number of new events which submitters, mainly free-to-air broadcasters, proposed for possible addition to the list. Many of the proposed events already have established shared or complementary coverage on free-to-air and pay TV,

and the risk of events being lost to free-to-air audiences appears low. For these reasons the ABA has reservations about any significant extension of the list.

Over recent years there has been increasing viewer interest in swimming and soccer as television events which has accompanied the growth in coverage of these events. This is particularly so for swimming which has traditionally been one of the top sports for Australians although it is not included on the anti-siphoning list. Events such as the Australian Swimming Championships attracted enormous audiences in events associated with the lead up to the Commonwealth and Olympic Games. Soccer matches Rugby Union in level of interest in television viewing and has a growing following amongst Australians generally.

In addition to removing events identified by the ABA, the Minister should consider adding new events in these two categories reflecting changing viewer interest since the introduction of the list, and future expectation arising from free-to-air's consistent coverage of these events.

### **Review the anti-siphoning rules**

The current decade promises to be the most structurally significant for Australian television with potentially major changes in the television landscape. The ABA advocates that amendments flowing from the current investigation be implemented as soon as possible. The new list should run for no more than five years through to the end of 2006. Before this time there should be a thorough re-examination of the operation of the anti-siphoning provisions, with changes to the scope of the list and its operation decided in the context of the outcomes of the scheduled digital television reviews, including any changes to the restrictions on multi-channelling after 2005 and the 2006 moratorium on new players.

The needs of free-to-air audiences will continue to be the priority for some time, but this should not preclude consideration of the interests of sports bodies and pay TV subscribers through improved opportunities for acquisition of sports rights by pay TV. The application to the Australian market of a possible non-exclusive rights arrangement perhaps along the lines of the UK system, covering a more limited list of events, should be evaluated. Such an approach would represent a significant policy shift in relation to the regulation of television sports rights and would require more rigorous examination of market factors concerning the acquisition and use of sports rights than was open to the ABA within the context of the current investigation. It would require access to relevant commercial information.

In accordance with the terms of reference the ABA has undertaken the investigation within established policy parameters. However, should the Minister wish to refocus the list ahead of the future review, the ABA's analysis of events on the list provides the basis for such an exercise.

A refocussed list would include the key events in the currently listed sports of horse racing, Australian rules, rugby league, rugby union, cricket, soccer, tennis, golf and motor sports. If certainty was still able to be provided, the listing of the rounds of the AFL and NRL competitions could be narrowed to reflect matches receiving free-to-air broadcast. It could perhaps include swimming, for reasons already discussed. It would

represent the top events in terms of public interest and significance. These events should not be acquired exclusively by pay TV. Such a list might include the following events:

**1. Horse racing**

1.1 the Melbourne Cup.

**2. Australian rules football**

2.1 matches in the round by market in the Australian Football League Premiership competition.

2.2 each match in the Finals Series of the Australian Football League Premiership competition.

**3. Rugby league**

3.1 matches in the round by market in the National Rugby League Premiership competition.

3.2 each match in the National Rugby League Premiership Finals competition.

3.3 each match in the Rugby League State of Origin Series.

**4. Rugby union**

4.1 each international rugby union test match involving the senior Australian representative team.

4.2 each match in the Rugby World Cup tournament.

**5. Cricket**

5.1 each test cricket match involving the senior Australian representative team played in Australia or the United Kingdom.

5.2 each one day cricket match involving the senior Australian representative team played in Australia or the United Kingdom.

5.3 each World Cup one day cricket match.

**6. Soccer**

6.1 each finals match in the National Soccer League.

6.3 each match in the Federation Internationale de Football Association (FIFA) World Cup Tournament.

6.4 each international soccer match involving the senior Australian representative team and the senior representative team of another country.

**7. Tennis**

7.1 each match in the Australian Open tennis tournament.

7.2 semi finals and finals in the Wimbledon tennis tournament.

7.3 Men and Women's final of the French Open tennis tournament.

7.4 Men and Women's final of the United States Open tennis tournament.

7.5 each match in each tie in the Davis Cup tennis tournament involving the Australian representative team.

## **8. Golf**

8.1 each round of the Australian Masters.

8.2 each round of the Australian Open.

## **9. Motor sports**

9.1 the Australian Grand Prix in the Federation Internationale de l'Automobile (FIA) Formula 1 World Championship (Grand Prix).

9.2 the Australian 500cc Motorcycle Grand Prix in the Federation Internationale de Motorcyclisme (FIM) World 500cc Motorcycle Championship.

9.3 the Bathurst 1000.

## **10. Swimming**

10.1 Federation Internationale de Natation (FINA) World Swimming Championships (Long Course).

## **13. Recommendations**

### **Events that should be removed from the list**

The ABA recommends that the Minister amend the anti-siphoning list to remove events that have not been consistently broadcast by commercial or national broadcasters over the past five years. The events identified for removal from the list are:

- Australian Football League State of Origin matches (item 2.3 on the list).
- international rugby league matches involving the senior Australian representative team and a non-representative team (item 3.7).
- Hong Kong Sevens Rugby tournament (item 4.3).
- test cricket matches involving the senior Australian representative team played outside Australia and the United Kingdom (item 5.1).
- one day cricket matches involving the senior Australian representative team played outside Australia or the United Kingdom (item 5.2).
- doubles matches and singles preliminary rounds and quarter finals of the French Open tennis tournament (item 7.3).
- Australian Men's Hardcourt tennis Championships (item 7.5).
- Australian Women's Hardcourt tennis Championship (item 7.6).
- semi finals of the Australian National Basketball League playoffs (item 9.1).

### **Events that should be added to the list**

If the Minister considers adding new events, these should be in two categories only - swimming and soccer - reflecting changing viewer interest in these sports since the introduction of the list, and future expectation arising from free-to-air's consistent coverage of these events. The three events which the ABA recommends be added to the anti-siphoning list are:

- each international soccer match involving the senior Australian representative team and the senior representative team of another country.
- Federation Internationale de Natation (FINA) World Swimming Championships (Long Course).
- Pan Pacific Swimming Championships.

### **Date when protection should expire for events on the list**

The ABA recommends that the proposed amendments to the list be implemented as soon as possible and that the new list should run for no more than five years, through to the end of 2006. Before this time there should be a thorough re-examination of the anti-

siphoning rules, with changes to the scope of the list and its operation decided in the context of the outcomes of the scheduled digital television reviews. The proposed list is presented below and at attachment K with changes shown in revision marks.

### **Amended anti-siphoning list**

An anti-siphoning list amended in line with the recommendations of this report would cover the period up until 31 December 2006, at the latest, and contain events within 12 sports.

#### **1. Horse racing**

1.1 the Melbourne Cup.

#### **2. Australian rules football**

2.1 each match in the Australian Football League Premiership competition.

2.2 each match in the Finals Series of the Australian Football League Premiership competition.

#### **3. Rugby league**

3C each match in the National Rugby League Premiership competition.

3C each match in the National Rugby League Premiership Finals competition.

3C each match in the Rugby League State of Origin Series.

3.7 each international rugby league match involving the senior Australian representative team and the senior representative team of another country.

#### **4. Rugby union**

4.1 each international rugby union test match involving the senior Australian representative team.

4.2 each match in the Rugby World Cup tournament.

#### **5. Cricket**

5.1 each test cricket match involving the senior Australian representative team played in Australia or the United Kingdom.

5.3 each one day cricket match involving the senior Australian representative team played in Australia or the United Kingdom.

5.3 each World Cup one day cricket match.

#### **6. Soccer**

6.1 each finals match in the National Soccer League.

6.2 the English Football Association Cup Final.

6.5 each match in the Federation Internationale de Football Association (FIFA) World Cup Tournament.

- 6.6 each international soccer match involving the senior Australian representative team and the senior representative team of another country.
- 7. Tennis**
- 7.1 each match in the Australian Open tennis tournament.
- 7.2 each match in the Wimbledon tennis tournament.
- 7.3 Men and Women's semi-finals and final of the French Open tennis tournament.
- 7.4 each match in the United States Open tennis tournament.
- 7.7 each match in the Adidas International Tennis Tournament.
- 7.8 each match in each tie in the Davis Cup tennis tournament involving the Australian representative team.
- 8. Netball**
- 8.1 each international netball match involving the senior Australian representative team.
- 9. Basketball**
- 9.1 the grand final games of the Australian National Basketball League.
- 10. Golf**
- 10.1 each round of the Australian Masters.
- 10.2 each round of the Australian Open.
- 10.3 each round of the United States Masters.
- 10.4 each round of the United States Open.
- 10.5 each round of the United States Professional Golf Association Championship.
- 10.6 each round of the British Open.
- 11. Motor sports**
- 11.1 each race in the Federation Internationale de l'Automobile (FIA) Formula 1 World Championship (Grand Prix).
- 11.2 each race in the Federation International de Motorcyclisme (FIM) World 500cc Motorcycle Championship.
- 11.3 each race in the Australian Touring Car Championship.
- 11.4 the Bathurst 1000.
- 11.5 the Australian IndyCar Grand Prix.
- 12. Swimming**
- 12.1 Federation Internationale de Natation (FINA) World Swimming Championships (Long Course).
- 12.2 Pan Pacific Swimming Championships.

## Attachment A

### Anti-siphoning provisions of the Broadcasting Services Act 1992

#### Section 115

##### Minister may protect the free availability of certain types of programs

- (1) The Minister may, by notice published in the *Gazette* , specify an event, or events of a kind, the televising of which should, in the opinion of the Minister, be available free to the general public.
- (1A) The Minister may, by notice published in the *Gazette* , amend a notice under subsection (1) to specify an additional event, or events of a kind, the televising of which should, in the opinion of the Minister, be available free to the public.
- (1B) Subject to subsection (2), an event specified in a notice under subsection (1) is taken to be removed from the notice 168 hours after the end of the event, unless the Minister publishes in the *Gazette* before that time a declaration that the event continues to be specified in the notice after that time.
- (2) The Minister may, by notice published in the *Gazette* , amend a notice under subsection (1) to remove an event from the notice.

Note: The following are examples of situations in which the Minister might exercise the power to remove an event from a notice:

##### *Example 1*

The national broadcasters and commercial television broadcasting licensees have had a real opportunity to acquire the right to televise an event, but none of them has acquired the right within a reasonable time. The Minister is of the opinion that removing the event from the notice is likely to have the effect that the event will be televised to a greater extent than if it remained on the notice.

##### *Example 2*

A commercial television broadcasting licensee has acquired the right to televise an event, but has failed to televise the event or has televised only an unreasonably small proportion of the event. The Minister is of the opinion that removing that event, or another event, from the notice is likely to have the effect that the removed event will be televised to a greater extent than it would be if it remained on the notice.

- (3) Notices and declarations under this section are disallowable instruments for the purposes of section 46A of the *Acts Interpretation Act 1901* .

## Schedule 2

10(1)(e) the licensee will not acquire the right to televise, on a subscription television broadcasting service, an event that is specified in a notice under subsection 115(1) unless:

- (i) a national broadcaster has the right to televise the event on its broadcasting service; or
- (ii) the television broadcasting services of commercial television broadcasting licensees who have the right to televise the event cover a total of more than 50% of the Australian population;

10(1A) For the purposes of subparagraph (1)(e)(ii), the percentage of the Australian population covered by the television broadcasting service of a commercial television broadcasting licensee is the percentage most recently specified by the ABA under paragraph 30(5)(a) for the licence area of the licensee's licence.

10(1B) For the purposes of subparagraph (1)(e)(ii), if a program supplier for a commercial television broadcasting licensee has a right to televise an event, the licensee is taken also to have the right. For this purpose, *program supplier* means a person who:

- (a) has an agreement to supply the licensee with program material that can be televised on the licensee's commercial television broadcasting service (whether or not the program material includes matter showing the event); and
- (b) supplies the licensee with a substantial proportion of all the program material that is televised on the licensee's commercial television broadcasting service (whether or not the material is supplied under the agreement mentioned in paragraph (a)).

## Broadcasting Legislation Amendment Act (No. 2) 2001

1 Short title: This Act may be cited as the *Broadcasting Legislation Amendment Act (No. 2) 2001*.

2 Commencement: This Act commences on the day on which it receives the Royal Assent.

5 Application--free availability of certain types of programs. The amendments made by items 5 and 6 of Schedule 1 apply in relation to events specified in a notice under subsection 115(1) of the Broadcasting Services Act 1992 either before or after the commencement of this Act.

5 After subsection 115(1A)

Insert:

(1AA) Subject to subsection (2), an event specified in a notice under subsection (1) is taken to be removed from the notice 1,008 hours before the start of the event, unless the Minister publishes in the Gazette before that time a declaration that the event continues to be specified in the notice after that time.

(1AB) The Minister may publish a declaration under subsection (1AA) only if the Minister is satisfied that at least one commercial television broadcasting licensee or national broadcaster has not had a reasonable opportunity to acquire the right to televise the event concerned.

6 Subsection 115(1B)

Omit 'Subject to subsection (2),', substitute 'Subject to subsections (1AA) and (2),'.

As at 29 June 2001 the Act had not received Royal Assent.

## Attachment B

### Anti-siphoning List

The anti-siphoning list covers events conducted during the period from the commencement of the notice up until 31 December 2004. The one exception being the 2006 FIFA World Cup tournament.

The following list of events is as specified by the Minister by notices published in the *Commonwealth of Australia Gazette*.

#### 1. Horse racing

1.1 each running of the Melbourne Cup organised by the Victoria Racing Club.

#### 2. Australian rules football

2.1 each match in the Australian Football League Premiership competition.

2.2 each match in the Finals Series of the Australian Football League Premiership competition.

2.3 each Australian Football League State of Origin match.

#### 3. Rugby league

3 The following events conducted by or for the New South Wales or the Australian Rugby League (as the case may be) during the period commencing at the commencement of this notice and ending at the end of 31 December 2004:

3.1 each match in the New South Wales Rugby League Premiership (Winfield Cup) competition;

3.2 each match in the New South Wales Rugby League Finals Series;

3.3 each match in the Australian Rugby League National Premiership competition;

3.4 each match in the Australian Rugby League National Premiership Finals Series;

3.5 each match in the New South Wales Rugby League State of Origin Series;

3.6 each match in the Australian Rugby League State of Origin Series;

3.7 each international rugby league 'test' match involving the senior Australian representative team selected by the New South Wales or Australian Rugby League (as the case may be), whether played in Australia or overseas;

- 3A The following events conducted in the period from the beginning of 1 January 1996 to the end of 31 December 2004 by or for Super League Pty Ltd, Star League Pty Ltd or a body corporate under section 50 of the Corporations Law, is related to either of those bodies:
- 3A.1 each match whether played in Australia or overseas, in the competition that is promoted as the Australasian Super League, involving the senior team of each participant in that competition;
  - 3A.2 each match, whether played in Australia or overseas, in the Finals Series of the Australasian Super League, involving the senior team of each participant in that competition;
  - 3A.3 each match, whether played in Australia or overseas, in the competition that is promoted as the Super League Tri-Series Tournament, involving the senior team of each participant in that competition;
  - 3A.4 each match, whether played in Australia or overseas, in the competition that is promoted as the World Club Championship;
  - 3A.5 each match, whether played in Australia or overseas, in the competition that is promoted as the Super League World Cup;
  - 3A.6 any other match, whether played in Australia or overseas, involving the senior Australian representative team selected by a body corporate that is specified, or to which reference is otherwise made in this clause.
- 3B Any event conducted in the period from the commencement of this item to the end of 31 December 2004, that is a match in a competition:
- (a) between the senior teams of participants in the competition; and
  - (b) organised by or for a body mentioned in 3 or 3A; and
  - (c) intended to supplement or replace the competition mentioned in item 3 or 3A (whether or not the new competition uses the name of the other competition).
- 3C Any event conducted in the period from the commencement of this item to the end of 31 December 2004, that is a match in a competition:
- (a) between the senior teams of participants in the competition; and
  - (b) playing rugby league football (whether described as rugby league, super league or by another name); and
  - (c) whose teams:
    - (i) represent, or are associated with a country, State, Territory, city, town or suburb or a region of a country, State, Territory, city, town or suburb; and
    - (ii) are not all located in one State or Territory; and
  - (d) that does not require the members of its senior teams to be:
    - (i) school students; or
    - (ii) below an age of 21 or less; or
    - (iii) above an age of 30 or more.

#### **4. Rugby union**

- 4.1 each international rugby union 'test' match involving the senior Australian representative team selected by the Australian Rugby Union, whether played in Australia or overseas.
- 4.2 each match in the Rugby World Cup tournament.
- 4.3 each match in the Hong Kong Sevens tournament.

#### **5. Cricket**

- 5.1 each 'test' cricket match involving the senior Australian representative team selected by the Australian Cricket Board, whether played in Australia or overseas.
- 5.2 each one day cricket match (including World Series Cricket matches) involving the senior Australian representative team selected by the Australian Cricket Board, whether played in Australia or overseas.
- 5.3 each World Cup one day cricket match.

#### **6. Soccer**

- 6.1 each finals match in the Ericsson Cup organised by the National Soccer League.
- 6.2 the English Football Association Cup Final.
- 6.3 each match in the Federation of International Football Associations World Cup Tournament. (until 2006 World Cup)

#### **7. Tennis**

- 7.1 each match in the Australian Open tennis tournament.
- 7.2 each match in the Wimbledon (the Lawn Tennis Championships) tournament.
- 7.3 each match in the French Open tennis tournament.
- 7.4 each match in the United States Open tennis tournament.
- 7.5 each match in the Australian Men's Hardcourt Championships held in Adelaide.
- 7.6 each match in the Australian Women's Hardcourt Championships held in Brisbane.
- 7.7 each match in the Peters International tennis tournament (now the Adidas tennis tournament).
- 7.8 each match in each tie in the Davis Cup tennis tournament when an Australian representative team is involved.

#### **8. Netball**

- 8.1 each international netball match involving the senior Australian representative team selected by the All Australia Netball Association, whether played in Australia or overseas.

#### **9. Basketball**

- 9.1 each match in the Australian National Basketball League playoffs.

**10. Golf**

- 10.1 each round of the Australian Masters tournament.
- 10.2 each round of the Australian Open tournament.
- 10.3 each round of the United States Masters tournament.
- 10.4 each round of the United States Open tournament.
- 10.5 each round of the United States Professional Golf Association Championship tournament.
- 10.6 each round of the British Open tournament.

**11. Motor sports**

- 11.1 each race in the Federation Internationale de l'Automobile Formula 1 World Championship (Grand Prix).
- 11.2 each race in the International Federation of Motorcycling World 500cc Motorcycle Championship.
- 11.3 each race in the Australian Touring Car Championship.
- 11.4 each Bathurst 1000 race.
- 11.5 each race in the Australian IndyCar Grand Prix.

## **Attachment C**

### **Delisted Events**

Following reports from the ABA the Minister may remove events from the anti-siphoning list. The following events have been removed (de-listed) from the anti-siphoning list:

#### **Cricket**

- 5.1 each 'test' cricket match involving the senior Australian representative team selected by the Australian Cricket Board, whether played in Australia or overseas.

Games listed below were played in the country named.

- India – March 1998; February and March 2001
- New Zealand – March 2000
- Sri Lanka – September and October 1999
- Zimbabwe – October 1999
- West Indies – March and April 1999
- Pakistan – September, October and November 1994

- 5.2 each one day cricket match (including World Series Cricket matches) involving the senior Australian representative team selected by the Australian Cricket Board whether played in Australia or overseas

Games listed below were played in the country named.

- India – April 1998; March and April 2001
- Kenya [ICC Knock Out Trophy] – October 2000
- New Zealand – February 1998; February and March 2000
- Sri Lanka – August 1999
- Zimbabwe – October 1999
- West Indies – April 1999
- Bangladesh [Wills International Cup] – October and November 1998
- United Arab Emirates [Sharjah Trophy] – April 1998
- Pakistan – September, October and November 1994

#### **Rugby Union**

- 4.3 each match in the Hong Kong Sevens tournament.

- Hong Kong Sevens Rugby Union Tournament – 1998, 1999 and 2000

## **Attachment D**

### **International Experience**

Internationally, Australia's anti-siphoning regime was one of the first examples of regulation to protect major sporting events from migrating from free-to-air to pay TV. As part of its investigation, the ABA has reviewed anti-siphoning rules operating in other countries. While specific circumstances in those countries make direct comparisons with Australia difficult, the ABA notes that Australia's anti-siphoning scheme and its list of events are both more extensive and restrictive than those in operation overseas.

European examples of anti-siphoning regulation encourage non-exclusive live coverage of listed events by television broadcasters. European countries may list events of major importance for society that must be broadcast free-to-air, live or delayed. As with the Minister's anti-siphoning list in Australia, these provisions apply to contracts concluded after the publication of the directive and relate to events taking place after its entry into force.

Generally neither free-to-air nor pay TV are permitted exclusive live rights to the key events listed in the UK. Under the UK's two-tiered list of events (Groups A and B), 'exclusive live' rights to second tier events (Group B) is permitted if other television broadcasters are providing supplementary coverage, such as full or partial delayed or highlights coverage.

### **European Community**

The European Commission has formed the view that some sports are considered 'to be of national or heritage importance, therefore, free broad access by the means of free access television should be guaranteed'.<sup>61</sup> It was this right to information that led the Community in June 1997 to insert a new Article 3a in the 'Television without Frontiers Directive'.<sup>62</sup> The effect of the amendment is that Member States may take measures to ensure that broadcasters within their jurisdiction do not broadcast events of 'major importance for society on an exclusive basis, in such a way as to deprive a substantial proportion of the public in that Member State of the possibility of possibility of following such events via live coverage or deferred coverage on free television'.<sup>63</sup>

It was recently reported that there have been three instances where broadcasters coming under the jurisdiction of the UK have broadcast events listed by Denmark in a way that prevented a substantial part of the Danish population from seeing these events. Two of

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<sup>61</sup> European Commission, (1998) DG X 'The European Model of Sport', p.16.

<sup>62</sup> Directive 97/36/EC of the European Parliament and of the Council of 30 June 1997 amending Council Directive 89/552/EEC.

<sup>63</sup> *ibid*, p. 8

these cases have been subject to judicial review in the UK, and the European Commission is closely monitoring developments.<sup>64</sup>

The amendment further provides that ‘the Member State concerned shall also determine whether these events should be available via whole or partial live coverage, or where necessary or appropriate for objective reasons in the public interest, whole or partial deferred coverage’.<sup>65</sup>

In practical terms, a Member State wishing to protect specific events from migration to subscription television, constructs a list of designated events, whether national or international. Several Member States in the EEC have developed their own lists of prohibited programming to prevent exclusive use of live broadcast rights to certain events by subscription broadcasters. These include Germany, Italy and Denmark whose lists specify, among other sports, the Summer and Winter Olympic Games, and World Cup and European Soccer Championships. Soccer matches involving participation of the national team are also listed and both Germany and Italy list finals (and semis, in the case of Italy) of UEFA European club competitions involving their own teams. The Italian list includes the Tour of Italy (Giro d’Italia) cycling, the Formula One Italian Grand Prix and the San Remo Italian music festival. Denmark’s list includes World and European handball matches involving the men’s and women’s national teams.

The Netherlands, France, Belgium and Austria have also indicated to the European Commission that they intend to notify draft measures designating events in the near future.<sup>66</sup> The first three of these countries have previously had rules concerning the non-exclusive broadcast of listed cultural and sports events.

The Commission has cautioned that broadcasters within the jurisdiction of the Member State needed to ensure that exclusive rights were not exercised in such a way that ‘a substantial proportion of the public in another Member State is then deprived of the possibility of watching the events designated by another Member State’.<sup>67</sup>

As can be seen from the table below, the German market in 2000 had a total number of 38 million TV households. Of these 95.5 per cent are free-to-air homes while pay TV subscribers make up 4.5 per cent of the total number of TV homes.

Italy has 24.2 million TV homes, with 88.7 per cent of these being free-to-air homes, and 11.3 per cent pay TV subscribers.

In the Danish market, the total number of TV homes was 2.41 million, with free-to-air representing 26.1 per cent and the pay sector, 73.9 per cent, of those TV homes.

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<sup>64</sup> Commission of the European Communities, Third Report From The Commission to the Council, the European Parliament and the Economic and Social Committee on the Application of Directive 89/552/EEC *Television Without Frontiers*, Brussels, 15 January 2001.

<sup>65</sup> op cit. Directive 97/36/EC (Article 3a (1)).

<sup>66</sup> op cit Brussels, 15 January 2001, p.8.

<sup>67</sup> op cit ‘European Model of Sport’ p. 16.

Country	Total TV Homes (millions)	FTA as % of TV Homes	Pay TV as % of TV Homes
Germany	38	95.5	4.5
Italy	24.2	88.7	11.3
Denmark	2.41	26.1	73.9
UK	24.3	85.5	16.6
*Australia	6.8	79	21

Source: Paul Budde Communication 2001 (based on ITC, IDATE and various industry sources from 1999 – 2000). \*As at April 2001 – FOXTEL submission.

### United Kingdom

The UK sports rights scheme is premised on the notion of non-exclusivity of rights usage by television broadcasters (free-to-air, pay TV or pay-per-view) unless the Independent Television Commission (ITC) grants prior consent. The UK has anti-siphoning rules based on two categories to reflect the social and cultural importance of the events. ‘Group A’ events are those events for which live rights must be made available for acquisition by free-to-air terrestrial television. ‘Group B’ includes events for which exclusive live coverage might be shown by a broadcaster (including a pay TV broadcaster), provided there are satisfactory arrangements for secondary coverage (such as by a free-to-air broadcaster). The events in these two groups are listed below.

The ITC has powers to impose financial penalties on licensees if restrictions on the coverage of live broadcasts are not observed.

The current ‘Code on Sports and Other Listed Events’ was revised in January 2000 to incorporate the requirements of the European Broadcasting Directive (‘Television without Frontiers’). The purpose of the amendments was to establish reciprocal arrangements between UK broadcasters and broadcasters in other European states that have similar listed events. The states affected are Germany, Italy and Denmark.

Regulation in the UK to prevent exclusive broadcast rights has its origins in the Television Act 1954, which gave the Government power to draw up a list of non-exclusive sporting events of national interest. Under the Broadcasting Act 1990, a reduced list of events that were not permitted to be shown on a pay-per-view basis was introduced in 1991.

BSkyB launched its ‘Sky Sports’ service on Astra in 1991 and the service was available on a subscription basis in 1992.<sup>68</sup> In that year BSkyB secured the rights to Premier League soccer for 304 million pounds, with live games to be transmitted only on Sky Sports and with recorded highlights on the BBC. The rights were renegotiated in 1996 for a further four-year contract for 670 million pounds beginning in 1997.

Partly in response to this situation, the rules (but not the listed events) were then changed by the Broadcasting Act 1996 to protect the availability of live coverage of

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<sup>68</sup> ITC Notes: No. 25, Sport on Television. ‘Cable and Satellite Services’ at [www.itc.org.uk](http://www.itc.org.uk)

listed events on free-to-air, but also to further extend rights non-exclusivity between all television broadcasters.

The existing ITC Code was first published in 1997 following consultation. In June 1998 the Secretary of State for Culture, Media and Sport announced a revised list, introducing Group A and Group B events. For example, The Wimbledon Tennis Finals are 'A' while the other non-finals play are 'B'. There are ten key sporting events in Group A group. These are the:

- Olympic Games
- FIFA World Cup Finals Tournament
- FA Cup Final
- Scottish FA Cup Final (in Scotland)
- Grand National
- Derby
- Wimbledon Tennis Finals
- European Football Championship Finals Tournament
- Rugby League Challenge Cup Final
- Rugby World Cup Final

Those events listed under Group B are:

- Cricket Test Matches played in England
- Non-Finals play in the Wimbledon Tournament
- All other matches in the Rugby World Cup Finals Tournament
- Five Nations Rugby Tournament Matches Involving Home Countries
- The Commonwealth Games
- The World Athletics Championship
- The Cricket World Cup – the Final, Semi-finals and Matches involving Home Nations' Teams
- The Ryder Cup
- The Open Golf Championship

The grounds upon which the ITC may intervene – either to give or revoke consent to broadcasters for the use of live rights - are quite wide and discretionary, and require that the ITC take into account certain matters in relation to offering and acquisition of rights.<sup>69</sup>

As indicated in the previous table, the total number of TV homes in the UK is 24.3 million, with free-to-air constituting 85.5 per cent of these, and pay TV 16.6 per cent.

## **United States**

The US has taken an entirely different approach to TV sports broadcasts. The Federal Communications Commission (FCC) in the US reported on its 'Inquiry into Sports Programming' on 30 June 1994<sup>70</sup>. Its main conclusion was that there was no significant

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<sup>69</sup> ITC (2000) 'Code on Sports and Other Listed Events', clause 12 and s. 104(1)(b) Broadcasting Act 1996, Chapter 55, Part IV, 'Sporting and Other Events of National Interest'.

<sup>70</sup> FCC Paragraph 173, 'In the Matter of the Implementation of Section 26 of the Cable Television Consumer Protection and Competition Act of 1992'. Final Report. 30 June 1994.

migration of sporting events from free-to-air to subscription television. The FCC's investigation revealed trends at that time which counter-indicated migration arguments. They noted that contracts between Major League Baseball and broadcaster ESPN amounted to an overall addition to output, rather than any lessening of coverage on free to air through 'migration or preclusive' arrangements.<sup>71</sup> However, the FCC did not draw conclusions in relation to less popular sports, since these would require further analysis of the factual situation.

Further, the FCC concluded that because of the magnitude of sporting events on broadcast television, including 'marquee' events 'in all the sports we studied, and because of our interest in the availability of a diverse menu of programming, we concluded that additional intervention is not warranted. Moreover, we note that because cable and other multichannel media have become more widely available, access to the vast array of non-broadcast programming is not a problem for most households.'<sup>72</sup>

The only comparable US legislation for sports rights are very specific ones which allow a local TV broadcast station or syndicator to protect exclusive distribution rights against the same programming being carried on a nationally distributed superstation by a satellite carrier.<sup>73</sup> It appears that the intention of the rule is to protect contract rights to give broadcasters, program providers and sports teams the protection they need to provide programs to sports viewers.<sup>74</sup>

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<sup>71</sup> *ibid* paragraph 175.

<sup>72</sup> *ibid* paragraph 179.

<sup>73</sup> US Satellite Home Viewer Improvement Act of 1999. Under both these rules the local TV broadcast station may demand that the satellite carrier blackout any duplicate carriage of the program (network or syndicated), regardless of whether the local TV station's signal is carried by the satellite carrier in question. The shorthand title is the 'Sports Blackout Rule'. The new rules took effect from November 2000.

<sup>74</sup> FCC Media Release, 'Commission Implements Satellite Home Viewer Improvement Act Sports Blackout and Program Exclusivity Rule Provisions for Satellite Carriers'. 2 November 2000.

## **Attachment E**

### **Summary of Submissions**

#### **Broadcasters**

##### **Australian Broadcasting Corporation (ABC)**

###### **Key points**

- Current list of events should be maintained with protection expiring in 2014.
- Criteria for inclusion on list should mirror Productivity Commission's recommendation in its 1999 inquiry into broadcasting.
- A measure of 'consistently broadcast' is audience expectation of watching a particular sport on the same channel in a similar form and timeslot as in previous seasons.
- Proposes additional events for inclusion on the anti-siphoning list.

###### **Information and other comment**

- Provided five year data on broadcast of listed events by the ABC.
- Understands the term 'consistently broadcast' as 'time after time' or 'over and over again'.
- The seasonal nature of sport modifies the meaning of 'consistently' to a certain extent.
- Sport of national significance should be protected.
- Proposed additional events for inclusion on the list:
  - a) Australian Women's Basketball National League finals; and
  - b) National Netball League finals.

##### **Federation of Australian Commercial Television Stations (FACTS)**

###### **Key points**

- No events on current list should be removed.
- Protection for events on list should extend to 31 December 2014.
- Proposes additional events for inclusion on the anti-siphoning list.

###### **Information and other comment**

- Provided five year data on broadcast of listed events by commercial networks.
- Australian viewers expect a wide range of sport on free-to-air television.

- Majority of viewers in rural and remote Australia do not have access to pay TV.
- Anti-siphoning regulations require amendment to prevent associates or related companies of pay TV licensees acquiring broadcast rights to events.
- Proposed additional events for inclusion on the list:
  - a) Summer and Winter Olympics;
  - b) Commonwealth Games;
  - c) Rugby Super 12; and
  - d) Australian, World and Pan Pacific Swimming.

## **FOXTEL**

### **Key points**

- Anti-siphoning regime is anti-competitive and does not achieve its aims.
- The anti-siphoning list should only contain events that have been consistently broadcast live and in entirety on free-to-air television.
- Greatest public benefit would be achieved through the adoption of a dual rights system.

### **Information and other comment**

- At 31 March 2001 FOXTEL had 720,000 subscribers. (AC Nielsen)
- AC Nielsen figures show 25% Australian viewers have access to pay TV.
- Endorses Fox Sports submission to investigation.
- Current anti-siphoning regime does not guarantee free-to-air broadcast of events.
- Dual rights system would allow sporting bodies to maximise financial returns for events.

## **Fox Sports**

### **Key points**

- The anti-siphoning list should only include events that are consistently broadcast live and in entirety on free-to-air.
- Pay TV broadcasters should be freely permitted to acquire subscription broadcast rights to events – advocates a dual rights approach that would prevent pay from having exclusive rights.

### **Information and other comment**

- Provide results of research of commercial free-to-air coverage of listed events from 1 January to 31 December 2000 and 1 July 1999 to 30 June 2000. [Sydney and Melbourne only.]

- Concerned about the adverse effect anti-siphoning scheme has had on Fox Sports acquisition of broadcast rights.
- Contends that free-to-air broadcasters exploit scheme as a protective measure against fair competition.
- Current anti-siphoning list is too broad, capturing events that are not broadcast live and events that are not broadcast at all.
- An analysis of ‘consistently broadcast’ should only include those events where the nature and scope of the broadcast has been same each time event is broadcast.
- Modified anti-siphoning list to include only:
  - 1. Horse Racing**
    - 1.1 each running of the Melbourne Cup.
  - 2. Australian Football League**
    - 2.1 three matches from each round of the AFL Premiership Competition.
    - 2.3 the AFL final series and Grand Final.
  - 3. Rugby League\***
    - 3.1 three matches from each round of the NRL Premiership Competition.
    - 3.2 the NRL final series and Grand Final.
    - 3.3 each international rugby league match involving the senior Australian representative team played in Australia.
  - 4. Rugby Union\***
    - 4.1 each international rugby union ‘test’ match involving the senior Australian representative team played in Australia.
    - 4.2 each match in the Rugby World Cup tournament involving the senior Australian representative team.
  - 5. Cricket**
    - 5.1 each international ‘test’ cricket match involving the senior Australian representative team played in Australia.
    - 5.2 each international one day cricket match involving the senior Australian representative team played in Australia.
    - 5.3 each World Cup one day cricket match involving the senior Australian representative team.
  - 6. Soccer**
    - 6.1 the Federation International de Football Association World Cup Final.
  - 7. Tennis**
    - 7.1 the men’s and women’s semi finals and final in the Australian Open tournament.
    - 7.2 the men’s and women’s semi finals and final in the Wimbledon tennis tournament.

- 7.3 the men's and women's semi finals and final in the French Open tennis tournament.
- 7.4 the men's and women's semi finals and final in the United States Open tennis tournament.
- 7.5 each match in each tie in the Davis Cup tennis tournament involving the Australian representative team.

**9. Golf**

- 9.1 each final round in each of the Australian Masters, Australian Open, United States Masters, United States Open, US PGA and British Open tournaments.

**10. Motor Sports**

- 10.1 the Australian F1 Grand Prix.
- 10.2 each Bathurst 1000 race held in October.
- 10.3 each race in the Australian Indycar Grand Prix.

\* The Rugby League and Rugby Union categories should not be included if it is accepted that only sports with equal national appeal should be included on the anti-siphoning list.

**Special Broadcasting Service (SBS)**

**Key points**

- Stresses the importance of the anti-siphoning list to ensure public access to major events
- Protection for events on the list should be for the next ten years.
- Proposes additional events for inclusion on the anti-siphoning list.

**Information and other comment**

- Provided five year data on broadcast of listed events by the SBS.
- The FA Cup, FIFA World Cup and Australian Hardcourt Tennis Championships should be retained on the list.
- There is a strong public expectation that Tour de France events are accessible on free-to-air.
- The enormous growth in free-to-air audience for soccer supports the inclusion on list of key events of Australian international and European soccer.
- Proposed additional events for inclusion on the list:
  - a) each full international soccer match involving the senior Australian representative team whether played in Australia or overseas;
  - b) all matches in the European Football Championships (as in the recent Euro 2000'), which occur every four years;

- c) the finals of the two European football club championships, which are played every year - UEFA Cup Final and UEFA European Champions League Final.

## **Sports rights**

### **Australian Football League (AFL)**

#### **Key points**

- The anti-siphoning provisions should be totally abolished.
- There is no public expectation that all AFL matches on anti-siphoning list be broadcast on free-to-air television.
- The provisions are anti-competitive, not justified given the extent of pay television penetration throughout Australia and have the potential consequence of decreasing the amount of listed sporting events broadcast.
- The anti-siphoning provisions prevent sporting organisations maximising revenue as they create a competitive advantage for FTA broadcasters in negotiating rights to listed sporting events.
- As a result the AFL is unable to maximise revenue from the sale of its broadcast rights.

#### **Information and other comment**

- The AFL represents members and clubs competing in the Australian football competition conducted by the AFL.
- The AFL has the right to deal in the broadcasting rights of AFL matches and events.
- Total revenue for the AFL in 2000 was approximately \$110 million.
- Broadcasting rights revenue is the single largest source of funding for the AFL, making up more than one third of total revenue (approx \$36.6 million).
- AFL broadcasting rights revenue is principally derived from the sale of free-to-air (FTA) television rights, pay television rights, radio rights and internet web-site rights.
- FTA rights to AFL matches and events make up the largest component of this revenue.
- For each of the last five years (1996 – 2000) AFL has licensed the Seven Network to provide live and delayed FTA and pay TV coverage of all AFL matches and events throughout metropolitan and regional Australia.
- It is accepted practice that FTA television does not broadcast all AFL matches on the anti-siphoning list in full and live. The reasons for this include:
  - a) need to protect physical attendances at AFL matches;
  - b) volume of AFL content;

- c) time differences between audiences; and
- d) viewer demand.

## **Australian Grand Prix Corporation**

### **Key points**

- The FIA (Federation Internationale de l'Automobile) Formula One and the FIM (Federation of International Motorcycling) Road Racing Championship be maintained on the anti-siphoning list.
- It is important that the events receive consistent broad coverage, which is only possible via free-to-air television.

### **Information and other comment**

- Organises both the FIA Formula One and the FIM races.
- At present all races are broadcast on free-to-air television.

## **Confederation of Australian Motor Sports (CAMS)**

### **Key points**

- Present list serves motor sports well.
- Consistent broad coverage of events only achievable via free-to-air television.

### **Information and other comment**

- CAMS is involved in staging all motor sports events on the list except FIM motorcycle events.
- Race events have been consistently broadcast on free-to-air television.

## **Tennis Australia**

### **Key points**

- The anti-siphoning list should be revised to enable free-to-air coverage of major and more popular tennis matches whilst allowing pay TV to acquire other events.

### **Information and other comment**

- Current list contains all matches of most of Tennis Australia Summer Circuit events.
- Due to volume of matches played, pay TV is required to broadcast some of the tournaments.
- Events for the revised anti-siphoning list:
  - a) Hyundai Hopman Cup - final live;
  - b) Australian Men's Hardcourt Championships - singles final live (now known as AAPT Championships);

- c) Australian Women's Hardcourt Championships - singles final same day (now known as Thalgo Australian Women's Hardcourts);
- d) NSW Open - at least a three-hour block of live play on the first day and a least a five-hour block of live play thereafter;
- e) Colonial Classic - final same day;
- f) Australian Open - at least a six-hour block each day of Rod Laver Arena and Vodafone Arena play and all night sessions from 8.30pm EST until completion of play. (Current practice is that C7 covers one of the Show Courts);
- g) Davis Cup - all live rubbers at home, Ties should be televised live, while live rubbers at away Ties should be televised as close as possible to live;
- h) Overseas Grand Slams - recommended live telecast schedule for the three overseas Grand Slams:
  - French Open - 11pm-3am for the first 10 days, then live telecast of the singles semi finals and finals;
  - Wimbledon - at least from 11pm-3am for the first 10 days and then live telecast of the singles semi finals and finals
- US Open - from 5-9am for the first 10 days and then live telecast of the singles semi finals and finals.

## **TWI (Trans World International)**

### **Key points**

- TWI considers there are no additional events that should be added to the list.
- Events not consistently broadcast over last five years should be removed from list.
- List should be narrowed to include only events consistently shown live by free-to-air broadcasters.
- Protection for listed events should be for five years after publication of new list.

### **Information and other comment**

- TWI is an international program rights management company.
- The anti-siphoning regime has had minimal effect in ensuring listed events are broadcast live and in full on free-to-air television.
- Free-to-air broadcasters have varied coverage to suit programming convenience and do not always broadcast listed events live and in full.
- Given the reach of pay TV in Australia events with limited public appeal should be removed from the list.
- The advent of digital television and the convergence of television and the internet will require a reconsideration of the list.

## **Women's National Basketball League (WNBL)**

### **Key points**

- The WNBL opposes WNBL finals being included on the anti-siphoning list. [Listing proposed by the ABC]
- Listing would fetter WNBL's power to negotiate the most effective broadcast mix for the sport, as it does currently.
- If free-to-air broadcasters acquire the rights to listed events, they should be compelled to broadcast them or forfeit the rights to another free-to-air broadcaster or to pay TV.

### **Information and other comment**

- The WNBL acknowledges and values the support of both the ABC and FOXTEL – the dual broadcasting rights are vitally important to the development and exposure of the sport.
- The ACCC, the Productivity Commission and the Sport 2000 Taskforce see the operation of the anti-siphoning list as anti-competitive – it prevents sports from maximising revenue.
- If added to the list, the WNBL would have to negotiate with the ABC first and would be unable to negotiate with FOXTEL in a timely way to ensure effective programming for the sport.
- WNBL is not like the other sports on the list which are very large commercial sports involving huge sums of money and, therefore, somewhat protected from the negative impact of being listed.

## **Sport Industry Australia (SIA)**

### **Key points**

- Recognises the public interest rationale of the anti-siphoning list.
- SIA believes there is a need for reform of the list, favouring a system that gives sporting organisations (as rights holders), power and flexibility to negotiate with both pay and free-to-air broadcasters.

### **Information and other comment**

- In the inaugural June 2001 edition of *The SportScape* SIA says that under the current regulatory system over 75 per cent of protected sporting events are not aired on free-to-air TV.
- SIA suggests that free-to-air networks are exploiting the provisions to the detriment of the sports and as a protective measure against competition.

## **Individuals**

Mr Ron Edwards

### **Key points**

- Major sports should be available free-to-air as pay TV subscription costs exclude a significant number of Australian people.
- Free-to-air networks should be required to broadcast events to which they hold rights, except against the gate, or forfeit those rights to another free-to-air network.
- Television networks should be prevented from warehousing sporting events and sporting rights.

### **Information and other comment**

- Concerned about the packaging of sports to suit pay TV broadcast needs.
- In recent years there has been a loss of sporting events on free to air television – this reduction in broadcast of sports events is due to warehousing of events by free-to-air networks.

Dr Janet Woollard MLA, Member for Alfred Cove, WA

### **Key points**

- The criterion (broadcast of event over the past five years) for inclusion on the anti-siphoning list is too narrow.
- More appropriate criteria should include the popularity, public interest in and national significance of an event.
- Request that lawn bowls events be added to the list.

### **Information and other comment**

- 1998-2000 ABC and Foxtel consistently broadcast lawn bowls events.
- Approximately 300,000 registered bowlers in Australia.
- Bowls events should be readily available on free-to-air. Bowls traditionally associated with an older demographic, who are less likely to have access to pay TV services.
- Events that should be added to the list include:
  - a) all test matches involving Australia;
  - b) all Australian Championship matches including singles, pairs, trebles and fours and sides competitions both indoor and outdoor.
  - c) test matches against England, Ireland, Scotland, Wales and South Africa;
  - d) the Esanda Australian Super Singles/Pairs; and
  - e) the Esanda Australian Indoor Championships.

## Individual emails

Over 60 individuals emailed the investigation about various sports events and related issues. They mainly concerned the proposed Nine network coverage of the 2002 World Cup Soccer, coverage of Indian cricket tour in March and the Seven network's coverage of the Ashes Test in July 2001.

## Attachment F – Analysis of five year coverage of listed sports events – 1996 - 2000

	Event	Network	Summary of broadcast pattern	Notes / Consistent Broadcast?	Broadcaster view	Sporting bodies view
<b>1.</b>	<b>Horse racing</b>					
1.1	each running of the Melbourne Cup.	Seven	<ul style="list-style-type: none"> <li>Every race broadcast live.</li> </ul>	<b>Consistent</b>		
<b>2.</b>	<b>Australian rules football</b>				<ul style="list-style-type: none"> <li>FACTS submits current anti-siphoning list remain the same.</li> </ul>	<ul style="list-style-type: none"> <li>AFL Ltd submits anti-siphoning rules should be repealed.</li> </ul>
2.1	each match in the Australian Football League Premiership competition.	Seven	<ul style="list-style-type: none"> <li>Established pattern of broadcast of selected matches into all markets.</li> <li>Includes live coverage of two to three matches per week – over eight week season.</li> <li>Overall increase in total games broadcast during the period.</li> <li>Variation in broadcast (live and delay) pattern predicated on whether the home team plays at home or away.</li> </ul>	<ul style="list-style-type: none"> <li>176 matches in competition – free-to-air has never broadcast every match.</li> <li>If match played in a team's home town, game is often broadcast into that market on delay to 'protect gate'.</li> <li>The fact that Melbourne has most teams (ten) is reflected by the live and delay broadcast of games into Melbourne and other markets.</li> </ul> <p><b>Consistent – broadcast of AFL Premiership competition (not each match)</b></p>	<ul style="list-style-type: none"> <li>Fox Sports submit only three matches from each round be on list.</li> </ul>	
2.2	each match in the Finals Series of the Australian Football League Premiership competition.	Seven	<ul style="list-style-type: none"> <li>All markets receive full coverage of all nine games.</li> <li>Grand Final broadcast live into all markets.</li> </ul>	<ul style="list-style-type: none"> <li>Nine games in series.</li> <li>Broadcast pattern (live and delay) reflects at-home or away games.</li> <li>Pattern of delay also due to east and western states time zone differences.</li> </ul> <p><b>Consistent</b></p>	<ul style="list-style-type: none"> <li>Fox Sports submit the final series and Grand Final be on list.</li> </ul>	

	<b>Event</b>	<b>Network</b>	<b>Summary of broadcast pattern</b>	<b>Notes / Consistent Broadcast?</b>	<b>Broadcaster view</b>	<b>Sporting bodies view</b>
<b>2</b>	<b>Australian rules football</b>					
2.3	each Australian Football League State of Origin match.	Seven	<ul style="list-style-type: none"> <li>Decreasing number of matches played &amp; broadcast over period.</li> <li>Competition discontinued 2000.</li> </ul>	<ul style="list-style-type: none"> <li>Remove event as competition discontinued.</li> </ul> <p><b>Inconsistent</b></p>	<ul style="list-style-type: none"> <li>Fox Sports does not support continued listing of this event.</li> </ul>	
<b>3</b>	<b>Rugby league</b>				<ul style="list-style-type: none"> <li>FACTS submits current anti-siphoning list remain the same.</li> <li>Fox Sports submits that broadcast of NRL events has not been consistently live.</li> <li>Fox Sports submits only sports of <i>equal</i> national appeal be listed.</li> </ul>	<ul style="list-style-type: none"> <li>No submission received from NRL.</li> </ul>
3C	each match in the National Rugby League Premiership competition.	Nine	<ul style="list-style-type: none"> <li>Consistent delayed coverage of over half games played.</li> <li>Established pattern of coverage into each market.</li> <li>Increasing levels of live coverage over period.</li> </ul>	<ul style="list-style-type: none"> <li>Over 200 matches played in competition – free-to-air has never broadcast every match.</li> <li>Delayed broadcast is approximately one hour in most markets.</li> <li>Broadcast pattern predicated on large number of games played.</li> </ul> <p><b>Consistent - broadcast of NRL Premiership competition (not each match)</b></p>	<ul style="list-style-type: none"> <li>Fox Sports submit only three matches from each round should be on list.</li> </ul>	

	Event	Network	Summary of broadcast pattern	Notes / Consistent Broadcast?	Broadcaster view	Sporting bodies view
<b>3</b>	<b>Rugby League</b>					
3C	each match in the National Rugby League Premiership Finals competition.	Nine	<ul style="list-style-type: none"> <li>All markets received all matches live or on delay.</li> <li>Increasing levels of coverage over the period.</li> </ul>	<ul style="list-style-type: none"> <li>1998 - thirteen matches played.</li> <li>Remainder of period – nine matches played including the Grand Final.</li> </ul> <p><b>Consistent</b></p>	<ul style="list-style-type: none"> <li>Fox Sports submit maintain current finals competition on list.</li> </ul>	
3C	each match in the Rugby League State of Origin Series.	Nine	<ul style="list-style-type: none"> <li>All games broadcast into all markets.</li> <li>Consistent coverage into all markets.</li> </ul>	<ul style="list-style-type: none"> <li>Three matches played per year.</li> <li>Broadcast live into NSW &amp; Qld and on delay to other States.</li> </ul> <p><b>Consistent</b></p>	<ul style="list-style-type: none"> <li>Fox Sports does not support continued listing of this event.</li> </ul>	
3.7	each international rugby league match involving the senior Australian representative team whether played in Australia or overseas.	Nine	<ul style="list-style-type: none"> <li>matches involving Australian senior team and International representative teams broadcast.</li> <li>Live and delayed coverage of all potential matches.</li> </ul>	<ul style="list-style-type: none"> <li>Delayed coverage dependent on where played &amp; Aust time zones.</li> <li>2000 World Cup in UK – matches involving Aust. covered live all markets.</li> </ul> <p><b>Consistent – against International Rep. teams</b></p>	<ul style="list-style-type: none"> <li>Fox Sports submit only games played in Australia be listed.</li> </ul>	
<b>4</b>	<b>Rugby union</b>			<ul style="list-style-type: none"> <li>Current coverage on FTA &amp; pay TV governed by rights deal between ARU &amp; News Ltd until 2005.</li> </ul>	<ul style="list-style-type: none"> <li>Fox Sports submits only sports of <i>equal</i> national appeal be listed.</li> </ul>	<ul style="list-style-type: none"> <li>Australian Rugby Union (ARU) did not make a submission.</li> </ul>
4.1	each international rugby union 'test' match involving the senior Australian representative team whether played in Australia or overseas	Seven	<ul style="list-style-type: none"> <li>Consistent live or delayed coverage of all matches played each year.</li> </ul>	<ul style="list-style-type: none"> <li>1999 seven matches played/broadcast plus six World Cup matches.</li> </ul> <p><b>Consistent</b></p>	<ul style="list-style-type: none"> <li>Fox Sports submits only matches played in Australia be listed.</li> </ul>	

	<b>Event</b>	<b>Network</b>	<b>Summary of broadcast pattern</b>	<b>Notes / Consistent Broadcast?</b>	<b>Broadcaster view</b>	<b>Sporting bodies view</b>
<b>4</b>	<b>Rugby union</b>					
4.2	each match in the Rugby World Cup tournament.	Seven	<ul style="list-style-type: none"> <li>All markets received almost all games either live or on delay.</li> </ul>	<ul style="list-style-type: none"> <li>Played every four years.</li> <li>Forty games played including final + one tie playoff.</li> </ul> <b>Consistent</b>	<ul style="list-style-type: none"> <li>Fox Sports submits only matches involving Australia be listed.</li> </ul>	
4.3	each match in the Hong Kong Sevens tournament.		<ul style="list-style-type: none"> <li>Delisted 1998, 1999 &amp; 2000</li> </ul>	<b>Inconsistent</b>		
<b>5</b>	<b>Cricket</b>					<ul style="list-style-type: none"> <li>Australian Cricket Board (ACB) did not make a submission</li> </ul>
5.1	each 'test' cricket match involving the senior Australian representative team whether played in Australia or overseas.	Nine	<ul style="list-style-type: none"> <li>Full live coverage &amp; highlights when played in Australia.</li> <li>Live in part or delayed when played in England</li> <li>Highlights coverage only if played elsewhere.</li> </ul>	Delisted events <ul style="list-style-type: none"> <li>New Zealand 2000</li> <li>Sri Lanka 1999</li> <li>Zimbabwe 1999</li> <li>West Indies 1999</li> <li>India 1998</li> </ul> <b>Consistent – play in Aust.</b>	<ul style="list-style-type: none"> <li>Fox Sports submits only international test matches involving the senior Australian representative team when played in Australia be listed.</li> </ul>	
		Seven	<ul style="list-style-type: none"> <li>South Africa Tests 1997</li> <li>Part live coverage of some days play.</li> <li>Highlights coverage.</li> </ul>	<b>Inconsistent – outside Australia &amp; UK</b>		

	<b>Event</b>	<b>Network</b>	<b>Summary of broadcast pattern</b>	<b>Notes / Consistent Broadcast?</b>	<b>Broadcaster view</b>	<b>Sporting bodies view</b>
<b>5</b>	<b>Cricket</b>					
5.2	each one day cricket match (including World Series Cricket matches) involving the senior Australian representative team whether played in Australia or overseas.	Nine	<ul style="list-style-type: none"> <li>• Full live coverage &amp; highlights when played in Australia.</li> <li>• Live in part or delay when played in England</li> <li>• 2000 – Full live coverage of three matches in South Africa.</li> <li>• Highlights coverage only when played elsewhere</li> </ul>	Delisted events <ul style="list-style-type: none"> <li>• New Zealand 2000</li> <li>• Kenya 2000</li> <li>• Sri Lanka 1999</li> <li>• Zimbabwe 1999</li> <li>• West Indies 1999</li> <li>• India 1998</li> <li>• New Zealand 1998</li> <li>• Bangladesh 1998</li> <li>• United Arab Emirates 1998</li> <li>• Pakistan 1998</li> </ul>	<ul style="list-style-type: none"> <li>• Fox Sports submit only matches played in Australia be listed.</li> </ul>	
		Seven	<ul style="list-style-type: none"> <li>• South Africa in 1997</li> <li>• Full live coverage of some matches played</li> <li>• Highlights coverage.</li> </ul>	<b>Consistent – play in Aust.</b> <b>Inconsistent – outside Australia &amp; UK</b>		
5.3	each World Cup one day cricket match	Nine	<ul style="list-style-type: none"> <li>• Finals consistent full live coverage.</li> <li>• Matches involving Australia generally receive full live coverage.</li> </ul>	Competition held: <ul style="list-style-type: none"> <li>• 1996 in India.</li> <li>• 1999 in England.</li> </ul> <b>Consistent</b>	<ul style="list-style-type: none"> <li>• Fox Sports submit only matches involving senior Australian representative team be listed.</li> </ul>	

	Event	Network	Summary of broadcast pattern	Notes / Consistent Broadcast?	Broadcaster view	Sporting bodies view
6	Soccer				<ul style="list-style-type: none"> <li>SBS submits maintain all current events on list.</li> </ul> SBS submits adding: <ul style="list-style-type: none"> <li>each full international soccer match involving the senior Australian team whether played in Australia or overseas.</li> <li>European Football Championships (every four years)</li> <li>UEFA Cup Final.</li> <li>UEFA Champ League Final</li> </ul>	<ul style="list-style-type: none"> <li>Soccer Australia did not make a submission.</li> </ul>
6.1	each finals match in the National Soccer League organised by the Australian Soccer Federation.	SBS	<ul style="list-style-type: none"> <li>1995 – 1998</li> <li>Consistent broadcast of Grand Final live in full.</li> <li>All other games in series broadcast as one hour edited highlights.</li> </ul>	<ul style="list-style-type: none"> <li>Finals series comprises nine matches including the Grand Final.</li> </ul> <p><b>Inconsistent</b></p>	<ul style="list-style-type: none"> <li>Fox Sports does not support continued listing of this event.</li> </ul>	
		ABC	<ul style="list-style-type: none"> <li>1999 – four finals matches.</li> <li>2000 – seven finals matches.</li> </ul>			

	<b>Event</b>	<b>Network</b>	<b>Summary of broadcast pattern</b>	<b>Notes / Consistent Broadcast?</b>	<b>Broadcaster view</b>	<b>Sporting bodies view</b>
<b>6</b>	<b>Soccer</b>					
6.2	the English Football Association Cup Final.	SBS	<ul style="list-style-type: none"> <li>All matches broadcast live &amp; full.</li> </ul>	<b>Consistent</b>	<ul style="list-style-type: none"> <li>Fox Sports does not support continued listing of this event.</li> </ul>	
6.3	each match in the Federation Internationale de Football Association World Cup Tournament.	SBS	<ul style="list-style-type: none"> <li>Finals broadcast live in full.</li> <li>Matches played simultaneously received full, delayed coverage.</li> </ul>	<ul style="list-style-type: none"> <li>1998 World Cup.</li> </ul> <b>Consistent</b>	<ul style="list-style-type: none"> <li>Fox Sports supports continued listing of this event.</li> </ul>	
<b>7</b>	<b>Tennis</b>					
7.1	each match in the Australian Open tennis tournament.	Seven	<ul style="list-style-type: none"> <li>All available sessions shown in full in all markets.</li> <li>Sessions also broadcast live in part &amp; delay.</li> <li>In instances of minor delay, coverage catches up with actual play and becomes live.</li> </ul>	<ul style="list-style-type: none"> <li>Each session played either from 11am-5pm or 8.30pm-1am.</li> <li>Differences in live and delayed coverage to accommodate time zone differences.</li> <li>Sessions marked 'live in part' are primarily live.</li> <li>delayed coverage often accommodates start of play at 8.10pm and start of coverage at 8.30pm.</li> </ul> <b>Consistent</b>	<ul style="list-style-type: none"> <li>Fox Sports submit semi-finals &amp; finals only be listed.</li> </ul>	<ul style="list-style-type: none"> <li>Tennis Australia (TA) submit that coverage should include six hour block each day plus all night sessions from 8.30pm to end of play.</li> </ul>
7.2	each match in the Wimbledon tennis tournament.	Nine	<ul style="list-style-type: none"> <li>Consistent live &amp; full coverage of semi-final &amp; finals.</li> <li>Extensive live coverage of other sessions.</li> </ul>	<ul style="list-style-type: none"> <li>Due to simultaneous play of matches (non-centre court) not all rounds covered in full.</li> </ul> <b>Consistent – major matches</b>	<ul style="list-style-type: none"> <li>Fox Sports submit semi-finals &amp; finals only be listed.</li> </ul>	<ul style="list-style-type: none"> <li>TA submit coverage for first ten days live between 11 pm – 3pm, thence live broadcast of semis &amp; finals</li> </ul>

	<b>Event</b>	<b>Network</b>	<b>Summary of broadcast pattern</b>	<b>Notes / Consistent Broadcast?</b>	<b>Broadcaster view</b>	<b>Sporting bodies view</b>
<b>7</b>	<b>Tennis</b>					
7.3	each match in the French Open tennis tournament.	Nine	<ul style="list-style-type: none"> <li>Delayed coverage of men's &amp; women's semi-finals &amp; finals only.</li> <li>Other matches highlights only.</li> </ul>	<ul style="list-style-type: none"> <li>Overnight timing of matches &amp; clash with prime time programming means matches broadcast on delay</li> </ul> <b>Inconsistent</b>	<ul style="list-style-type: none"> <li>Fox Sports submit semi-finals &amp; finals only on list.</li> </ul>	<ul style="list-style-type: none"> <li>TA wants more coverage of preliminary rounds and singles semi-finals and finals covered live.</li> </ul>
7.4	each match in the United States Open tennis tournament.	Nine	<ul style="list-style-type: none"> <li>Consistent live broadcast of all days play.</li> </ul>	<ul style="list-style-type: none"> <li>Play in early to mid-morning Aus. time – accommodated by broadcaster.</li> </ul> <b>Consistent</b>	<ul style="list-style-type: none"> <li>Fox Sports submit semi-finals &amp; finals only on list.</li> </ul>	<ul style="list-style-type: none"> <li>TA submit coverage from 5 am – 9 am for the first ten days thence full live coverage of semis &amp; finals.</li> </ul>
7.5	each match in the Australian Men's Hardcourt Championships (now known as the AAPT Championships) held in Adelaide.	SBS	<ul style="list-style-type: none"> <li>1996 – 1998 Live in full coverage.</li> </ul>	<b>Inconsistent</b>	<ul style="list-style-type: none"> <li>SBS submit event be retained on list.</li> <li>Fox Sports does not support continued listing of this event.</li> </ul>	<ul style="list-style-type: none"> <li>TA submit coverage encompass live broadcast of singles final.</li> </ul>
		Seven	<ul style="list-style-type: none"> <li>1999 – 2000 Singles finals only live, plus one highlights package in 2000.</li> </ul> (C7 broadcast the semi-finals and the doubles finals in 2000).			
7.6	each match in the Australian Women's Hardcourt Championships (now known as the Thalgo Australian Women's Hardcourt Championships) held in Brisbane.	Seven	<ul style="list-style-type: none"> <li>1998 – one hour highlights package.</li> <li>1999 - 2000 - two hour highlights package.</li> </ul> (C7 broadcast the tournament in 2000).	<ul style="list-style-type: none"> <li>1996 – 1997 not broadcast on free-to-air television.</li> </ul> <b>Inconsistent</b>	<ul style="list-style-type: none"> <li>Fox Sports does not support continued listing of this event.</li> </ul>	<ul style="list-style-type: none"> <li>TA submit coverage encompass singles final same day.</li> </ul>

	<b>Event</b>	<b>Network</b>	<b>Summary of broadcast pattern</b>	<b>Notes / Consistent Broadcast?</b>	<b>Broadcaster view</b>	<b>Sporting bodies view</b>
<b>7</b>	<b>Tennis</b>					
7.7	each match in the Adidas International Tennis Tournament (formerly the Peters International tennis tournament).	Seven	<ul style="list-style-type: none"> <li>All available sessions of play broadcast in full.</li> </ul>	<ul style="list-style-type: none"> <li>Differences in live and delayed coverage to accommodate time zone differences.</li> </ul> <b>Consistent</b>	<ul style="list-style-type: none"> <li>Fox Sports does not support continued listing of this event.</li> </ul>	<ul style="list-style-type: none"> <li>TA submit coverage encompass at least 3 hour block on first day thence five hour block thereafter.</li> </ul>
7.8	each match in each tie in the Davis Cup tennis tournament when an Australian representative team is involved.	Seven	<ul style="list-style-type: none"> <li>All available matches shown in full either live or on delay.</li> </ul>	<ul style="list-style-type: none"> <li>Coverage varies according to country of play &amp; time zone differences.</li> </ul> <b>Consistent</b>	<ul style="list-style-type: none"> <li>Fox Sports submit event be maintained on list.</li> </ul>	TA submit: <ul style="list-style-type: none"> <li>coverage for Aust. matches receive live coverage.</li> <li>o/s matches as close to live as possible.</li> </ul>
<b>8</b>	<b>Netball</b>				<ul style="list-style-type: none"> <li>ABC submits National Netball League finals be added to the list.</li> <li>Fox Sports submits matches have not been broadcast consistently over period.</li> </ul>	<ul style="list-style-type: none"> <li>Netball Association did not make a submission.</li> </ul>
8.1	each international netball match involving the senior Australian representative team whether played in Australia or overseas.	ABC	<ul style="list-style-type: none"> <li>1996 – 2000 – Varying numbers of matches on delay.</li> </ul>	<ul style="list-style-type: none"> <li>Listing captures a number of international events.</li> </ul> <b>Consistent – on delay</b>	<ul style="list-style-type: none"> <li>ABC supports the maintenance of the event on the lis.</li> <li>Fox Sports does not support continued listing of this event.</li> </ul>	
		Ten	<ul style="list-style-type: none"> <li>1999 – All matches live in full (including those not involving Aust. team).</li> </ul>	<ul style="list-style-type: none"> <li>New Zealand World Cup</li> </ul> <b>Consistent</b>		

	<b>Event</b>	<b>Network</b>	<b>Summary of broadcast pattern</b>	<b>Notes / Consistent Broadcast?</b>	<b>Broadcaster view</b>	<b>Sporting bodies view</b>
<b>9</b>	<b>Basketball</b>				<ul style="list-style-type: none"> <li>ABC submits Women's Basketball National League finals be added to the list.</li> </ul>	<ul style="list-style-type: none"> <li>National Basketball League did not make a submission.</li> </ul>
9.1	each match in the Australian National Basketball League playoffs.	Ten	<ul style="list-style-type: none"> <li>1996 - 1997</li> <li>All playoff matches broadcast - live into home city of team playing</li> </ul>	<ul style="list-style-type: none"> <li>Comprises six games in the semi-finals and three in finals.</li> </ul>	<ul style="list-style-type: none"> <li>Fox Sports does not support continued listing of this event.</li> </ul>	
		ABC	<ul style="list-style-type: none"> <li>1998 – 2000 all Grand Finals broadcast.</li> <li>Inconsistent number of other games broadcast.</li> </ul>	<p><b>Inconsistent – playoffs</b></p> <p><b>Consistent – Grand Finals</b></p>		
<b>10</b>	<b>Golf</b>			<ul style="list-style-type: none"> <li>Overseas events played late night to early morning Aust time.</li> <li>Broadcast live does not affect primetime program schedules.</li> </ul>	<ul style="list-style-type: none"> <li>Fox Sports submits only finals round of each golf event be listed.</li> </ul>	<ul style="list-style-type: none"> <li>Golf Australia did not make a submission.</li> </ul>
10.1	each round of the Australian Masters tournament.	Seven	<ul style="list-style-type: none"> <li>All round live in full.</li> </ul>	<b>Consistent</b>		
10.2	each round of the Australian Open tournament.	Seven	<ul style="list-style-type: none"> <li>All rounds live in full.</li> </ul>	<b>Consistent</b>		
10.3	each round of the United States Masters tournament.	Nine	<ul style="list-style-type: none"> <li>Consistent final four days coverage live.</li> </ul>	<b>Consistent</b>		
10.4	each round of the United States Open tournament.	Nine	<ul style="list-style-type: none"> <li>Consistent final four days coverage live.</li> </ul>	<b>Consistent</b>		
10.5	each round of the United States Professional Golf Association Championship tournament.	Nine	<ul style="list-style-type: none"> <li>Consistent final four days coverage live.</li> </ul>	<b>Consistent</b>		

	<b>Event</b>	<b>Network</b>	<b>Summary of broadcast pattern</b>	<b>Notes / Consistent Broadcast?</b>	<b>Broadcaster view</b>	<b>Sporting bodies view</b>
10.6	each round of the British Open tournament.	Nine	<ul style="list-style-type: none"> <li>• 1998 delayed coverage last four days.</li> <li>• Other years final four days coverage live.</li> </ul>	<b>Inconsistent</b>		
<b>11</b>	<b>Motor Sports</b>					<ul style="list-style-type: none"> <li>• Confederation of Australian Motor Sport Ltd (CAMS) submit that current list remains unchanged.</li> </ul>
11.1	each race in the Federation Internationale de l'Automobile Formula 1 World Championship (Grand Prix).	Nine	<ul style="list-style-type: none"> <li>• Similar broadcast pattern live in full and delayed of all rounds.</li> <li>• Aust. Grand Prix and additional Aust practice sessions broadcast live.</li> </ul>	<ul style="list-style-type: none"> <li>• Races held in different countries across time zones.</li> <li>• Delayed coverage reflects time zone.</li> </ul> <b>Consistent</b>	<ul style="list-style-type: none"> <li>• Fox Sports submits only the Australian round of the F1 be listed.</li> </ul>	<ul style="list-style-type: none"> <li>• Australian Grand Prix Corp. submit each race remain on list.</li> </ul>
11.2	each race in the International Federation of Motorcycling World 500cc Motorcycle Championship.	Nine	<ul style="list-style-type: none"> <li>• Consistent live broadcast of Australian round.</li> <li>• Consistent delayed coverage of other rounds.</li> </ul>	<ul style="list-style-type: none"> <li>• Fifteen rounds held in different countries across time zones.</li> </ul> <b>Consistent</b>	<ul style="list-style-type: none"> <li>• Fox Sports does not support the continued listing of this event.</li> </ul>	<ul style="list-style-type: none"> <li>• Australian Grand Prix Corp. submit each race remain on list.</li> </ul>
11.3	each race in the Australian Touring Car Championship.	Seven	<ul style="list-style-type: none"> <li>• 1996 Highlights of all ten rounds.</li> </ul>	<b>Consistent – after 1996</b>	<ul style="list-style-type: none"> <li>• Fox Sports does not support the continued listing of this event.</li> </ul>	
		Ten	<ul style="list-style-type: none"> <li>• 1997-2000 finals consistent live coverage of one round.</li> <li>• Other rounds delayed coverage.</li> </ul>			
11.4	each Bathurst 1000 race.	Seven	<ul style="list-style-type: none"> <li>• Consistent live coverage of all races.</li> </ul>	<b>Consistent</b>	<ul style="list-style-type: none"> <li>• Fox Sports submits event continue to be listed.</li> </ul>	
11.5	each race in the Australian IndyCar Grand Prix.	Ten	<ul style="list-style-type: none"> <li>• Consistent live coverage every race.</li> </ul>	<b>Consistent</b>	<ul style="list-style-type: none"> <li>• Fox Sports submits event continue to be listed.</li> </ul>	

### Attachment G – Coverage of AFL Premiership Competition – 1996-2000

Event	List Ref.	Network	Year	Broadcast location	Type of Coverage					Total matches		
					LIVE		Delayed	Highlights		Covered		played
					in full	in part		match	(round)	Full	any cover	
<b>Australian Rules Football</b>												
Each match in the AFL Premiership Competition	2.1	SEVEN										
			1996	Adelaide	39		44	40		83	123	176
			1997	Adelaide	56		55	27		111	138	176
			1998	Adelaide	58		56	34	(2)	114	148	176
			1999	Adelaide	60		59	33	(22)	119	152	176
			2000	Adelaide	71	3	56	20	(22)	127	150	176
			1996	Brisbane	44		28	2		72	74	176
			1997	Brisbane	48		36			84	84	176
			1998	Brisbane	45	9	42		(2)	87	96	176
			1999	Brisbane	46	5	47		(22)	93	98	176
			2000	Brisbane	44	13	55		(22)	99	112	176
			1996	Melbourne	54		15	41		69	110	176
			1997	Melbourne	60		23	40		83	123	176
			1998	Melbourne	64	1	35	36	(2)	99	136	176
			1999	Melbourne	57		40	1	(22)	97	98	176
			2000	Melbourne	53		61	16	(22)	114	130	176
			1996	Perth	40		64	26		104	130	176
			1997	Perth	50		61	26		111	137	176
			1998	Perth	48		67	24	(2)	115	139	176
			1999	Perth	43		84	24	(22)	127	151	176
			2000	Perth	51		94		(22)	145	145	176

Event	List Ref.	Network	Year	Broadcast location	Type of Coverage					Total matches		
					LIVE		Delayed	Highlights		Covered		played
					in full	in part		match	(round)	Full	any cover	
<b>Australian Rules Football</b>												
Each match in the AFL Premiership Competition	2.1											
			1996	Sydney	45		22			67	67	176
			1997	Sydney	52		29			81	81	176
			1998	Sydney	45	12	42		(2)	87	99	176
			1999	Sydney	47	6	42		(22)	89	95	176
			2000	Sydney	44	11	50		(22)	94	105	176

Note: Highlights packages in (brackets) include footage from every game in round; single game highlights packages are unbracketed

## Attachment H – Analysis of events proposed for possible addition to the anti-siphoning list

Event	Proposed by	F-T-A Network	Summary of broadcast pattern	Other factors
<b>Olympic Games</b>				<ul style="list-style-type: none"> <li>• High level of interest in Olympics particularly in sports with Australian participants.</li> <li>• The 2000 opening and closing ceremonies were the two highest rating programs in all cities. (AC Nielsen) [Sydney &amp; Melbourne achieved approx 2.1 million for opening and approx 1.9 to 2 million viewers for closing ceremony]</li> <li>• IOC committed to f-t-a Olympic coverage (Rule 59 of its charter).</li> <li>• Both Summer and Winter Olympics received dual coverage by free-to-air and pay TV.</li> <li>• The event has multiple, concurrent sports events, including some events of lesser interest to Australian audiences.</li> <li>• If listed, would have to be for all Olympic events.</li> </ul>
<b>Summer Olympics</b>	FACTS	Seven	<ul style="list-style-type: none"> <li>• 1996 – Live coverage from Seven with packages of live coverage from pay channel Sports Australia (Optus Vision).</li> <li>• 2000 Olympics – comprehensive all day coverage by Seven and pay channel C7.</li> </ul> <p><b>Consistent</b></p>	
<b>Winter Olympics</b>	FACTS	Seven	<ul style="list-style-type: none"> <li>• 1998 – extensive coverage of all events, primarily on delay (broadcast mid evening to early morning).</li> <li>• Fox Sports – live coverage every day from 11 am to 7.30pm then highlights 11 pm to 11 am next day.</li> </ul> <p><b>Consistent</b></p>	

Event	Proposed by	F-T-A Network	Summary of broadcast pattern	Other factors
<b>Commonwealth Games</b>	FACTS	Nine  Seven (2002)	<ul style="list-style-type: none"> <li>• 1998 – 10 hours per day broadcast, (US Open and Rugby Finals broadcast at same time).</li> <li>• Also received live coverage on pay TV - Optus Vision</li> </ul> <p><b>Consistent</b></p>	<ul style="list-style-type: none"> <li>• Commitment of rights holder to f-t-a broadcast believed to be similar to IOC.</li> <li>• 2002 Manchester Organising Committee advise there is a ‘clear understanding’ with the Commonwealth Games Federation (CGF) that the broadcast rights will be sold to f-t-a broadcasters ‘to ensure the widest possible coverage’.</li> </ul>
<b>Rugby Super 12</b>	FACTS	Seven	<p>Fox Sports/News Ltd has full rights.</p> <p>1996 – 2000</p> <ul style="list-style-type: none"> <li>• Matches broadcast on Seven and pay channel C7 from 2000.</li> <li>• Increasing number of matches (delayed rights) broadcast over period.</li> <li>• Matches in full to States that have interest in RU.</li> </ul> <p><b>Inconsistent</b></p>	<ul style="list-style-type: none"> <li>• Tournament developed for pay TV, and is subscriber driver for the AB demographic.</li> <li>• RU is ranked the 9<sup>th</sup> most popular sport for heavy free-to-air viewers – AC Nielsen 2000.</li> <li>• 2000 Sweeney Sports Report ranks RU as the 10<sup>th</sup> most popular viewed TV sport.</li> <li>• Deal brokered between Fox Sports/News Ltd and Seven to allow for reasonable delayed coverage of matches on free-to-air.</li> <li>• 1997-1998 Seven did not optimise delayed broadcast rights.</li> </ul>

Event	Proposed by	F-T-A Network	Summary of broadcast pattern	Other factors
Swimming			<ul style="list-style-type: none"> <li>Difficult to establish consistency of broadcast pattern for these events, due to irregularity of staging of some events over the period.</li> </ul>	<ul style="list-style-type: none"> <li>Popularity as a TV event has increased over period with peak interest during pre Commonwealth Games and Olympics Games periods.</li> <li>Swimming ranked the 4<sup>th</sup> top TV sport for heavy viewers (AC Nielsen - 2000).</li> <li>2000 Sweeney Sports Report also ranks swimming as 4<sup>th</sup> most viewed sport on free-to-air television.</li> <li>Broadcast pattern &amp; interest predicated on Australian involvement and where meets are held.</li> </ul>
Australian Swimming Championships.	FACTS	Nine	<ul style="list-style-type: none"> <li>1996 - 1999 highlights packages only.</li> <li>2000 - live and replay coverage – event was the selection trials for Sydney Olympics (not typical).</li> </ul> <p><b>Inconsistent – increasing coverage</b></p>	<ul style="list-style-type: none"> <li>Annual event which often doubles as the selection trials for the major international swimming event of the year.</li> <li>Considered an important event on Australian swimming calendar – attracts participation of best swimmers.</li> <li>2000 selection trials amongst top rating sports events. One meet out-rated an NRL State of Origin match between NSW and Qld in Sydney. (AC Nielsen)</li> </ul>
World Swimming Championships (Long Course).	FACTS	Seven	<ul style="list-style-type: none"> <li>1998 held in Perth – combination of live and highlights coverage.</li> <li>(2001 - Nine network will provide live coverage each evening of event. Fox Sports will also provide coverage on delay.)</li> </ul> <p><b>Consistent</b></p>	<ul style="list-style-type: none"> <li>Now staged every two years – away from Olympic year.</li> <li>Last held in Perth in 1998, next event in July 2001 in Japan.</li> <li>Considered the number two international swimming meet after the Olympics.</li> <li>Very high level of interest – amongst top rating events in 1998 as the event was considered a pre-trial for the Commonwealth Games.</li> </ul>

Event	Proposed by	F-T-A Network	Summary of broadcast pattern	Other factors
<b>Swimming</b>				
Pan Pacific Championships.	FACTS	Nine	<ul style="list-style-type: none"> <li>• 1997 held in Japan – highlights only broadcast.</li> <li>• 1999 held in Sydney - free-to-air coverage comprised all meets live with replays.</li> <li>• Fox Sports also provided a daily two hour highlights package – on delay.</li> </ul> <p><b>Consistent</b></p>	<ul style="list-style-type: none"> <li>• 1999 - Very high level of interest – amongst top rating of events.</li> <li>• Considered the final top level, international swimming event prior to Olympics in 2000.</li> <li>• Not held in 2001, next meet in Japan in 2002.</li> <li>• Unclear if event will continue after 2002.</li> </ul>
<b>Soccer</b>				<ul style="list-style-type: none"> <li>• SBS notes increase in popularity/ratings of overseas events over period notwithstanding events are often broadcast overnight or early morning.</li> <li>• Soccer is the major global football code, with a strong following in multicultural Australia.</li> <li>• 2000 Sweeney Sports Report ranks Soccer at 5<sup>th</sup> place for TV viewing.</li> <li>• AC Nielsen ranks Soccer 7<sup>th</sup> for heavy TV viewers.</li> </ul>
<p>each full international soccer match involving the senior Australian team whether played in Australia or overseas. This listing will cover</p> <ul style="list-style-type: none"> <li>• All regional &amp; international ‘friendly’ matches.</li> <li>• FIFA Confederations Cup tournament.</li> <li>• Oceania Confederation Cup – regional tournament.</li> </ul>	SBS	SBS  Seven	<ul style="list-style-type: none"> <li>• 1996 – 1998 SBS broadcast most international and away matches live.</li> <li>• Since 1998 Seven, SBS or pay TV channel C7 have broadcast most ‘home’ international matches live.</li> </ul>	<ul style="list-style-type: none"> <li>• With exception of some matches broadcast by Seven in 1999 and 2000, interest appears moderate to low when measured by ratings.</li> <li>• There is a high level of interest by soccer fans in international matches when there is Australian participation.</li> <li>• Seven has rights to internationals played in Australia – often sublicenses these matches to SBS.</li> <li>• SBS acquires rights to international matches played overseas – on an ad hoc basis from each country.</li> </ul>

Event	Proposed by	F-T-A Network	Summary of broadcast pattern	Other factors
<b>Soccer</b> each full international soccer match involving the senior Australian team whether played in Australia or overseas. (continued)			<b>Consistent – coverage of key events, increasing coverage</b>	<ul style="list-style-type: none"> <li>SBS had the 2001 Aust v NZ World Cup 1<sup>st</sup> qualifier in NZ, and also sub-licensed the rights from Seven to broadcast the 2<sup>nd</sup> qualifier played in Aust.</li> <li>Soccer Australia informally estimates television coverage encompasses around 70% of Socceroos’ international matches and that key matches are broadcast.</li> </ul>
European Football Championships.	SBS	SBS ('96)	<ul style="list-style-type: none"> <li>Broadcast 110 hours for Euro 96</li> </ul> <b>Inconsistent</b>	<ul style="list-style-type: none"> <li>Played every four years – high level competition; second only to World Cup.</li> <li>SBS submission reported a combined five city audience approx 2 million people was achieved for Euro 96.</li> <li>Sport Popularity rates behind English FA and FIFA soccer (AC Nielsen – 1996).</li> <li>Outcry from soccer fans when Euro 2000 acquired by FOXTEL</li> </ul>
UEFA Championship League Final.	SBS	SBS	<ul style="list-style-type: none"> <li>Broadcast live every year since 1981.</li> <li>Also receives coverage on pay TV.</li> </ul> <b>Consistent</b>	<ul style="list-style-type: none"> <li>Ratings appear to be about one third of those for NSL final. Event is broadcast early morning – due to time of play in Europe.</li> </ul>
UEFA Cup Final.	SBS	SBS	<ul style="list-style-type: none"> <li>Broadcast live every year since 1983.</li> <li>Receives coverage from pay TV.</li> </ul> <b>Consistent</b>	<ul style="list-style-type: none"> <li>Ratings low - broadcast in early morning hours.</li> </ul>

Event	Proposed by	F-T-A Network	Summary of broadcast pattern	Other factors
<b>Cycling</b>				<ul style="list-style-type: none"> <li>• 2000 Sweeney Sports Report measures the level of TV viewing of cycling as 14<sup>th</sup>, at much same level as surfing.</li> <li>• Overall interest in Cycling is ranked 16<sup>th</sup>.</li> </ul>
Tour de France Cycling Classic.	SBS	SBS	<ul style="list-style-type: none"> <li>• Event is staged over a three week period in early July each year.</li> <li>• SBS has broadcast half hour daily highlights since 1991.</li> <li>• This coverage generally comprises two highlights packages each day of the competition.</li> </ul> <p><b>Consistent – daily highlights</b></p>	<ul style="list-style-type: none"> <li>• One half hour highlights package also shown on pay TV in 2000 by Fox Sports.</li> <li>• Potential for siphoning by pay TV possibly quite low.</li> </ul>
<b>Netball</b>				<ul style="list-style-type: none"> <li>• Netball Australia states that the game is the most popular women’ sport in Australia. (<a href="http://www.netball.asn.au">www.netball.asn.au</a>)</li> <li>• 2000 Sweeney Sports Report ranks netball as the 13<sup>th</sup> most watched sport on TV with an overall interest ranking of 19.</li> </ul>
National Netball League (Commonwealth Bank Trophy) Finals.	ABC	ABC	<ul style="list-style-type: none"> <li>• Matches in this competition played mid evening, Friday and Saturday, each week between April and August.</li> <li>• The ABC then broadcasts matches on delay on Sat afternoon and Sunday mornings – not optimum coverage.</li> <li>• pay TV has also provided coverage of the finals of the competition since 1999 (C7).</li> </ul> <p><b>Consistent – delayed coverage</b></p>	<ul style="list-style-type: none"> <li>• Netball Australia did not make a submission.</li> <li>• Competition commenced in 1997.</li> <li>• Research by the ABA indicates that complementary coverage of the National Netball League by pay TV and free-to-air (ABC) has occurred since 1996 including the CBT since 1997. (Similar to WNBL).</li> <li>• These broadcast arrangements indicate there is low potential for the event to be siphoned off by pay TV.</li> </ul>

Event	Proposed by	F-T-A Network	Summary of broadcast pattern	Other factors
<b>Basketball</b>				<ul style="list-style-type: none"> <li>2000 Sweeney Sports Report ranks basketball (which includes the men's and women's competition) as achieving an equal the 8<sup>th</sup> ranking for interest level and most watched sport on TV.</li> </ul>
Women's Basketball National League Finals.	ABC	ABC	<ul style="list-style-type: none"> <li>ABC has consistently broadcast women's basketball.</li> <li>Generally one – two games a week are broadcast either on Saturday afternoon or on occasion Sunday morning.</li> <li>A number of finals of the WNBL have been broadcast by the ABC during the five year period.</li> <li>Complementary coverage of the finals currently provided by Fox Sport.</li> </ul> <p><b>Inconsistent</b></p>	<ul style="list-style-type: none"> <li>Total of 88 games in the WNBL 2000-01 competition.</li> <li>WNBL has broadcast agreement with both FOXTEL and the ABC.</li> <li>WNBL opposes inclusion on anti-siphoning list as listing would prevent them negotiating the best deal with both free-to-air and pay TV broadcasters.</li> </ul>
<b>Lawn Bowls</b>				
Lawn Bowls – all Tests & Australian Championships.	Dr Janet Wollard, MLA, Alfred Cove WA	ABC	<ul style="list-style-type: none"> <li>ABC broadcasts some games weekday or Saturday afternoon.</li> <li>Package of these games is then broadcast on Fox Sports – after ABC coverage.</li> </ul> <p><b>Inconsistent</b></p>	<p>Informal consultation with Bowls Australia revealed:</p> <ul style="list-style-type: none"> <li>ABC broadcasts primarily allows exposure for sport.</li> <li>ABC allows Bowls Australia to repackage coverage with is then resold to Fox Sports &amp; Sky Vision.</li> <li>Bowls Australia say they are happy with current commercial arrangements.</li> </ul>

## Attachment I – Top rating sports events in 2000 – mainland capitals

SYDNEY ACNielsen 2000: excluding Olympics & Paralympics.

Data in Projections (000s) & Target Audience Rating Points TARPS (%)

**Total potential audience: 4,097,000 people & 1,396,000 households**

RANK (PEOPLE)	RANK (HOUSEHOLD)	EVENT	NET	START DATE	DOW	START TIME	END TIME	HOUSEHOLD		ALL PEOPLE	
								000's	%	000's	%
1	2	R.LEAGUE:NSW V QLD 2ND	NINE	24/05/00	WED	07:30 PM	10:15 PM	474	34.0	864	21.1
2	3	R.LEAGUE:1ST GRADE GF	NINE	27/08/00	SUN	03:00 PM	05:00 PM	452	32.4	854	20.8
3	3	R.LEAGUE:NSW V QLD 3RD	NINE	07/06/00	WED	07:30 PM	10:25 PM	452	32.4	851	20.8
4	1	SWIM:SEL TRIALS 2000 D3	NINE	15/05/00	MON	07:00 PM	08:40 PM	491	35.2	834	20.4
5	5	R.LEAGUE:NSW V QLD 1ST	NINE	10/05/00	WED	07:30 PM	10:25 PM	438	31.4	808	19.7
6	8	SWIM:SEL TRIALS 2000 D4	NINE	16/05/00	TUE	07:00 PM	08:15 PM	420	30.1	790	19.3
7	6	SWIM:SEL TRIALS 2000 D6	NINE	18/05/00	THU	07:00 PM	08:40 PM	431	30.9	787	19.2
8	6	SWIM:SEL TRIALS 2000 D5	NINE	17/05/00	WED	07:00 PM	08:45 PM	431	30.9	760	18.6
9	9	CRKT:NT6-AUS V PAK	NINE	19/01/00	WED	07:35 PM	10:10 PM	419	30.0	711	17.4
10	10	CRKT:NT3-AUS V IND	NINE	12/01/00	WED	07:10 PM	10:55 PM	405	29.0	711	17.4
11	16	R.LEAGUE:1 PREL/FNL	NINE	19/08/00	SAT	07:30 PM	09:40 PM	351	25.1	687	16.8
12	13	SWIM:SEL TRIALS 2000 D2	NINE	14/05/00	SUN	06:30 PM	08:15 PM	377	27.0	680	16.6
13	12	CRKT:NT4-AUS V IND	NINE	14/01/00	FRI	07:00 PM	09:15 PM	391	28.0	658	16.1
14	11	SWIM:SEL TRIALS 2000 D7	NINE	19/05/00	FRI	07:00 PM	08:10 PM	394	28.2	647	15.8
15	18	R.UNION:BLEDISLOE CUP-A	SEVEN	15/07/00	SAT	07:30 PM	10:00 PM	343	24.6	628	15.3
16	17	CRKT:NT1-AUS V PAK	NINE	09/01/00	SUN	06:40 PM	10:10 PM	348	24.9	618	15.1
17	15	CRKT:NT:FNL2-AUS V PAK	NINE	04/02/00	FRI	07:15 PM	10:00 PM	355	25.4	592	14.4
18	24	R.LEAGUE:SEMI FNL 1	NINE	12/08/00	SAT	07:30 PM	09:30 PM	309	22.1	583	14.2
19	14	CRKT:NT:FNL1-AUS V PAK	NINE	02/02/00	WED	07:00 PM	10:00 PM	357	25.6	582	14.2
20	23	SWIM:SEL TRIALS 2000 D1	NINE	13/05/00	SAT	07:00 PM	08:15 PM	319	22.9	580	14.2
21	20	TENNIS:AUS OPEN N11	SEVEN	27/01/00	THU	07:00 PM	12:35 AM	329	23.6	557	13.6
22	22	R.LEAGUE:QTR FNL 1	NINE	04/08/00	FRI	08:30 PM	10:45 PM	322	23.1	553	13.5

SYDNEY contd

RANK (PEOPLE)	RANK – (HOUSEHOLD)	EVENT	NET	START DATE	DOW	START TIME	END TIME	HOUSEHOLD		ALL PEOPLE	
								000's	%	000's	%
23	21	CRKT:NT12-AUS V IND	NINE	30/01/00	SUN	05:45 PM	10:00 PM	324	23.2	535	13.1
24	19	R.LEAGUE:2 PREL/FNL	NINE	20/08/00	SUN	02:40 PM	04:40 PM	336	24.1	525	12.8
25	27	R.LEAGUE:QTR FNL 4	NINE	06/08/00	SUN	04:00 PM	06:00 PM	302	21.6	511	12.5
26	25	R.LEAGUE:SEMI FNL 2	NINE	13/08/00	SUN	04:00 PM	06:00 PM	304	21.8	502	12.3
27	30	CRKT:AUS V SA G2 S2	NINE	18/08/00	FRI	07:00 PM	11:00 PM	277	19.8	481	11.7
28	26	CRKT:AUS V SA G3 S2	NINE	20/08/00	SUN	02:15 PM	06:10 PM	303	21.7	467	11.4
29	37	R.LEAGUE:QTR FNL 3	NINE	05/08/00	SAT	07:30 PM	09:40 PM	246	17.6	465	11.3
30	29	CRKT:AUS V SA G1 S2	NINE	16/08/00	WED	07:25 PM	10:45 PM	284	20.3	462	11.3
31	31	CRKT:NT2-PAK V IND	NINE	10/01/00	MON	07:00 PM	10:40 PM	274	19.6	438	10.7
32	32	CRKT:DAY5-AUS V PAK	NINE	16/01/00	SUN	09:50 AM	07:00 PM	273	19.6	422	10.3
33	35	R.LEAGUE:FRI LATE	NINE	11/02/00	FRI	08:30 PM	11:20 PM	250	17.9	413	10.1
34	33	CRKT:DAY1-AUS V PAK	NINE	09/01/00	SUN	02:20 PM	06:00 PM	271	19.4	407	9.9
35	28	SWIM:SEL TRIALS 2000 D8	NINE	20/05/00	SAT	03:00 PM	04:30 PM	285	20.4	394	9.6
36	35	CRKT:TST2-AUS V IND	NINE	28/12/99	TUE	10:30 AM	06:30 PM	250	17.9	393	9.6
37	34	TENNIS:AUS OPEN D14-FNL	SEVEN	30/01/00	SUN	11:00 AM	06:00 PM	251	18.0	387	9.4
38	39	CRKT:TST4-AUS V W.I.	NINE	26/12/00	TUE	10:30 AM	06:30 PM	237	17.0	383	9.3
39	38	CRKT-TST3-AUS V IND	NINE	03/01/00	MON	03:30 PM	06:30 PM	244	17.5	382	9.3
40	46	R.U:TRI-NATIONS-AUS V S	SEVEN	08/07/00	SAT	07:30 PM	10:00 PM	217	15.5	364	8.9
41	45	BATHURST 1000-SUN	TEN	19/11/00	SUN	07:00 AM	06:00 PM	220	15.8	353	8.6
42	40	R.UNION:BLEDISLOE CUP2-	SEVEN	05/08/00	SAT	12:00 PM	02:10 PM	233	16.7	349	8.5
43	42	R.LEAGUE:QTR FNL 2	NINE	05/08/00	SAT	04:00 PM	06:00 PM	226	16.2	344	8.4
44	47	CRKT:TST2-AUS V W.I.	NINE	03/12/00	SUN	01:00 PM	07:35 PM	216	15.5	340	8.3
45	50	R.LEAGUE:SAT PRIME	NINE	05/02/00	SAT	06:30 PM	08:50 PM	199	14.3	334	8.2
46	43	CRKT:TST4-AUS V W.I.	NINE	27/12/00	WED	10:30 AM	07:20 PM	221	15.8	326	8.0
47	43	CRKT-TST3-AUS V IND	NINE	04/01/00	TUE	03:30 PM	07:30 PM	221	15.8	325	7.9
48	48	CRKT:TST2-AUS V W.I.	NINE	02/12/00	SAT	01:00 PM	09:25 PM	214	15.3	325	7.9
49	41	CRKT:DAY:FNL2-AUS V PAK	NINE	04/02/00	FRI	02:20 PM	06:15 PM	231	16.5	323	7.9
50	49	CRKT:TST2-AUS V IND	NINE	27/12/99	MON	10:30 AM	05:00 PM	205	14.7	322	7.9

MELBOURNE AC Nielsen 2000: excluding Olympics & Paralympics. Data in Projections (000s) & TARPS (%)

**Total potential audience: 3,777,000 people & 1,315,000 households**

RANK (PEOPLE)	RANK (HOUSEHOLD)	EVENT	NET	START DATE	DOW	START TIME	END TIME	HOUSEHOLD		ALL PEOPLE	
								000's	%	000's	%
1	1	AFL:GRAND FINAL ES-ME	SEVEN	02/09/00	SAT	02:00 PM	06:00 PM	571	43.4	1196	31.7
2	2	AFL:H&A FR EV MD CA-ES	SEVEN	21/07/00	FRI	07:30 PM	10:30 PM	417	31.7	802	21.2
3	4	SWIM:SEL TRIALS 2000 D7	NINE	19/05/00	FRI	07:00 PM	08:10 PM	392	29.8	712	18.9
4	10	AFL:H&A FR EV LY ES-WB	SEVEN	28/07/00	FRI	07:30 PM	10:30 PM	364	27.7	712	18.9
5	3	SWIM:SEL TRIALS 2000 D4	NINE	16/05/00	TUE	07:00 PM	08:15 PM	397	30.2	707	18.7
6	6	SWIM:SEL TRIALS 2000 D5	NINE	17/05/00	WED	07:00 PM	08:45 PM	381	29.0	690	18.3
7	9	CRKT:NT1-AUS V PAK	NINE	09/01/00	SUN	06:40 PM	10:10 PM	369	28.1	681	18.0
8	7	SWIM:SEL TRIALS 2000 D6	NINE	18/05/00	THU	07:00 PM	08:40 PM	378	28.7	675	17.9
9	5	SWIM:SEL TRIALS 2000 D3	NINE	15/05/00	MON	07:00 PM	08:40 PM	382	29.0	668	17.7
10	8	TENNIS:AUS OPEN N11	SEVEN	27/01/00	THU	07:00 PM	12:35 AM	373	28.4	658	17.4
11	11	CRKT:NT6-AUS V PAK	NINE	19/01/00	WED	07:35 PM	10:10 PM	355	27.0	640	16.9
12	12	AFL:H&A TUE AF MD ES-CO	SEVEN	25/04/00	TUE	02:00 PM	05:00 PM	335	25.5	569	15.1
13	14	AFL:H&A SU AF MD AD-WC	SEVEN	28/05/00	SUN	03:15 PM	06:00 PM	319	24.3	557	14.7
14	18	AFL:EF2 SA EV LY BR-WB	SEVEN	12/08/00	SAT	07:30 PM	10:45 PM	295	22.4	556	14.7
15	13	CRKT:NT4-AUS V IND	NINE	14/01/00	FRI	07:00 PM	09:15 PM	321	24.4	553	14.6
16	17	AFL:H&A FR EV LY WB-CO	SEVEN	07/04/00	FRI	07:30 PM	10:35 PM	302	23.0	544	14.4
17	15	AFL:PF2 FR EV MD ME-NM	SEVEN	25/08/00	FRI	08:30 PM	11:50 PM	311	23.7	542	14.4
18	25	SWIM:SEL TRIALS 2000 D2	NINE	14/05/00	SUN	06:30 PM	08:15 PM	275	20.9	541	14.3
19	27	AFL:H&A SA EV LY SY-CO	SEVEN	01/04/00	SAT	07:30 PM	10:15 PM	271	20.6	525	13.9
20	20	CRKT:NT12-AUS V IND	NINE	30/01/00	SUN	05:45 PM	10:00 PM	291	22.1	522	13.8
21	18	CRKT:NT:FNL2-AUS V PAK	NINE	04/02/00	FRI	07:15 PM	10:00 PM	295	22.4	522	13.8
22	16	GP:AUST F1	NINE	12/03/00	SUN	02:00 PM	04:30 PM	307	23.3	521	13.8
23	30	AFL:H&A FR EV MD WB-HA	SEVEN	04/08/00	FRI	08:30 PM	11:30 PM	266	20.2	521	13.8
24	22	AFL:EF1 FR EV MD GE-HA	SEVEN	11/08/00	FRI	08:30 PM	11:35 PM	286	21.7	520	13.8
25	22	CRKT:NT2-PAK V IND	NINE	10/01/00	MON	07:00 PM	10:40 PM	286	21.7	487	12.9
26	26	AFL:SF1 FR EV MD NM-HA	SEVEN	18/08/00	FRI	08:30 PM	11:50 PM	274	20.8	487	12.9

MELBOURNE contd

RANK (PEOPLE)	RANK (HOUSEHOLD)	EVENT	NET	START DATE	DOW	START TIME	END TIME	HOUSEHOLD		ALL PEOPLE	
								000's	%	000's	%
27	21	CRKT:DAY1-AUS V PAK	NINE	09/01/00	SUN	02:20 PM	06:00 PM	287	21.8	485	12.8
28	34	CRKT:TST2-AUS V IND	NINE	26/12/99	SUN	03:30 PM	06:00 PM	256	19.5	480	12.7
29	47	AFL:H&A SA EV LY PA-CO	SEVEN	03/06/00	SAT	07:30 PM	10:20 PM	238	18.1	458	12.1
30	35	AFL:H&A FR EV MD WB-ST	SEVEN	05/05/00	FRI	08:30 PM	11:30 PM	250	19.0	453	12.0
31	40	AFL:H&A FR EV MD WB-ES	SEVEN	14/04/00	FRI	08:30 PM	11:35 PM	248	18.9	449	11.9
32	35	AFL:H&A FR EV MD RI-AD	SEVEN	02/06/00	FRI	08:30 PM	11:30 PM	250	19.0	447	11.8
33	43	AFL:H&A SA EV MD GE-ES	SEVEN	20/05/00	SAT	08:30 PM	11:30 PM	242	18.4	445	11.8
34	29	CRKT:TST2-AUS V IND	NINE	28/12/99	TUE	03:30 PM	06:30 PM	270	20.5	443	11.7
35	38	AFL:H&A FR EV MD ES-ST	SEVEN	26/05/00	FRI	08:30 PM	11:30 PM	249	18.9	442	11.7
36	27	AFL:H&A TH EV MD ES-PA	SEVEN	09/03/00	THU	08:30 PM	11:35 PM	271	20.6	439	11.6
37	35	AFL:H&A FR EV MD ST-GE	SEVEN	30/06/00	FRI	08:30 PM	11:30 PM	250	19.0	438	11.6
38	31	TENNIS:AUS OPEN D7	SEVEN	23/01/00	SUN	11:00 AM	06:00 PM	263	20.0	437	11.6
39	32	CRKT:AUS V SA G1 S2	NINE	16/08/00	WED	07:25 PM	10:45 PM	262	19.9	436	11.5
40	46	FOSTERS MELBOURNE CUP	TEN	07/11/00	TUE	10:00 AM	05:00 PM	239	18.2	434	11.5
41	44	AFL:H&A FR EV MD CO-ST	SEVEN	16/06/00	FRI	08:30 PM	11:30 PM	241	18.3	433	11.5
42	48	AFL:H&A SA EV LY BR-RI	SEVEN	27/05/00	SAT	07:30 PM	10:20 PM	237	18.0	430	11.4
43	33	TENNIS:AUS OPEN D14-FNL	SEVEN	30/01/00	SUN	11:00 AM	06:00 PM	258	19.6	429	11.4
44	42	AFL:H&A FR EV MD RI-NM	SEVEN	24/03/00	FRI	08:30 PM	11:30 PM	245	18.6	428	11.3
45	24	CRKT-TST3-AUS V IND	NINE	03/01/00	MON	10:30 AM	06:30 PM	278	21.1	426	11.3
46	49	AFL:H&A FR EV MD GE-NM	SEVEN	14/07/00	FRI	08:30 PM	11:30 PM	234	17.8	425	11.3
47	44	AFL:H&A FR EV MD ME-NM	SEVEN	17/03/00	FRI	08:30 PM	11:30 PM	241	18.3	421	11.1
48	50	AFL:H&A FR EV MD CO-HA	SEVEN	23/06/00	FRI	08:30 PM	11:30 PM	232	17.6	420	11.1
49	38	AFL:H&A SU AF MD BR-HA	SEVEN	09/07/00	SUN	03:20 PM	06:00 PM	249	18.9	417	11.0
50	41	AFL:H&A SU AF MD AD-CO	SEVEN	02/07/00	SUN	03:15 PM	06:00 PM	246	18.7	417	11.0

BRISBANE AC Nielsen 2000: excluding Olympics & Paralympics. Data in Projections (000s) & TARPS (%)

**Total potential audience: 2,261,000 people & 845,000 households**

RANK (PEOPLE)	RANK (HOUSEHOLD)	EVENT	NET	START DATE	DOW	START TIME	END TIME	HOUSEHOLD		ALL PEOPLE	
								000's	%	000's	%
1	1	R.LEAGUE:NSW V QLD 2ND	NINE	24/05/00	WED	07:30 PM	10:15 PM	354	41.9	658	29.1
2	2	R.LEAGUE:NSW V QLD 1ST	NINE	10/05/00	WED	07:30 PM	10:25 PM	340	40.2	634	28.0
3	3	R.LEAGUE:1ST GRADE GF	NINE	27/08/00	SUN	02:00 PM	04:00 PM	333	39.4	590	26.1
4	4	R.LEAGUE:NSW V QLD 3RD	NINE	07/06/00	WED	07:30 PM	10:25 PM	297	35.1	580	25.7
5	7	SWIM:SEL TRIALS 2000 D3	NINE	15/05/00	MON	07:00 PM	08:40 PM	278	32.9	518	22.9
6	10	SWIM:SEL TRIALS 2000 D5	NINE	17/05/00	WED	07:00 PM	08:45 PM	269	31.8	503	22.2
7	5	CRKT:NT1-AUS V PAK	NINE	09/01/00	SUN	05:40 PM	09:10 PM	281	33.3	478	21.1
8	8	SWIM:SEL TRIALS 2000 D4	NINE	16/05/00	TUE	07:00 PM	08:15 PM	275	32.5	476	21.1
9	11	SWIM:SEL TRIALS 2000 D7	NINE	19/05/00	FRI	07:00 PM	08:10 PM	267	31.6	464	20.5
10	9	SWIM:SEL TRIALS 2000 D6	NINE	18/05/00	THU	07:00 PM	08:40 PM	271	32.1	449	19.9
11	12	CRKT:NT3-AUS V IND	NINE	12/01/00	WED	07:00 PM	09:55 PM	259	30.7	446	19.7
12	6	R.LEAGUE:2 PREL/FNL	NINE	20/08/00	SUN	02:40 PM	04:40 PM	280	33.1	429	19.0
13	15	SWIM:SEL TRIALS 2000 D2	NINE	14/05/00	SUN	06:30 PM	08:15 PM	226	26.7	425	18.8
14	14	CRKT:NT6-AUS V PAK	NINE	19/01/00	WED	07:00 PM	09:10 PM	235	27.8	402	17.8
15	16	CRKT:NT4-AUS V IND	NINE	14/01/00	FRI	05:40 PM	08:10 PM	225	26.6	372	16.5
16	13	CRKT:AUS V SA G3 S2	NINE	20/08/00	SUN	02:15 PM	06:10 PM	239	28.3	363	16.1
17	18	CRKT:NT:FNL1-AUS V PAK	NINE	02/02/00	WED	06:00 PM	09:00 PM	218	25.8	357	15.8
18	19	CRKT:NT12-AUS V IND	NINE	30/01/00	SUN	04:45 PM	08:55 PM	214	25.3	351	15.5
19	17	R.LEAGUE:QTR FNL 4	NINE	06/08/00	SUN	04:00 PM	06:00 PM	223	26.4	343	15.2
20	20	CRKT:NT:FNL2-AUS V PAK	NINE	04/02/00	FRI	06:15 PM	09:00 PM	212	25.1	326	14.4
21	24	R.UNION:BLEDISLOE CUP-A	SEVEN	15/07/00	SAT	07:30 PM	10:00 PM	185	21.9	321	14.2
22	21	R.LEAGUE:1 PREL/FNL	NINE	19/08/00	SAT	07:30 PM	09:40 PM	210	24.9	317	14.0
23	28	SWIM:SEL TRIALS 2000 D1	NINE	13/05/00	SAT	07:00 PM	08:15 PM	176	20.8	302	13.4
24	22	SWIM:SEL TRIALS 2000 D8	NINE	20/05/00	SAT	03:00 PM	04:30 PM	199	23.6	296	13.1
25	23	CRKT:DAY1-AUS V PAK	NINE	09/01/00	SUN	01:20 PM	05:00 PM	197	23.3	294	13.0
26	28	CRKT:AUS V SA G1 S2	NINE	16/08/00	WED	07:25 PM	10:45 PM	176	20.8	285	12.6
27	27	CRKT:AUS V SA G2 S2	NINE	18/08/00	FRI	07:00 PM	11:00 PM	178	21.1	279	12.3

## BRISBANE contd

RANK (PEOPLE)	RANK – (HOUSEHOLD)	EVENT	NET	START DATE	DOW	START TIME	END TIME	HOUSEHOLD		ALL PEOPLE	
								000's	%	000's	%
28	24	CRKT:DAY5-AUS V PAK	NINE	16/01/00	SUN	08:50 AM	06:00 PM	185	21.9	276	12.2
29	26	R.LEAGUE:QTR FNL 1	NINE	04/08/00	FRI	08:30 PM	10:45 PM	179	21.2	270	11.9
30	34	R.LEAGUE:SEMI FNL 1	NINE	12/08/00	SAT	07:30 PM	09:30 PM	162	19.2	266	11.8
31	31	R.LEAGUE:FRI LATE	NINE	11/02/00	FRI	08:30 PM	11:20 PM	167	19.8	261	11.5
32	32	TENNIS:AUS OPEN N11	SEVEN	27/01/00	THU	07:00 PM	12:35 AM	165	19.5	257	11.4
33	33	R.LEAGUE:QTR FNL 3	NINE	05/08/00	SAT	07:30 PM	09:40 PM	163	19.3	257	11.4
34	30	R.LEAGUE:SEMI FNL 2	NINE	13/08/00	SUN	04:00 PM	06:00 PM	168	19.9	251	11.1
35	35	CRKT-TST3-AUS V IND	NINE	03/01/00	MON	10:00 AM	06:00 PM	156	18.5	231	10.2
36	41	R.UNION:AUS V ARG-1ST	SEVEN	17/06/00	SAT	07:30 PM	10:00 PM	143	16.9	228	10.1
37	46	R.LEAGUE:SAT PRIME	NINE	05/02/00	SAT	06:30 PM	09:55 PM	137	16.2	219	9.7
38	38	BATHURST 1000-SUN	TEN	19/11/00	SUN	06:00 AM	05:00 PM	147	17.4	219	9.7
39	39	CRKT:AUS V SA G1 S1	NINE	16/08/00	WED	02:20 PM	06:25 PM	145	17.2	215	9.5
40	44	CRKT:TST4-AUS V W.I.	NINE	26/12/00	TUE	09:30 AM	05:30 PM	141	16.7	210	9.3
41	39	R.LEAGUE:SUN AFT	NINE	19/03/00	SUN	04:00 PM	06:00 PM	145	17.2	209	9.2
42	41	R.LEAGUE:QTR FNL 2	NINE	05/08/00	SAT	04:00 PM	06:00 PM	143	16.9	204	9.0
43	37	CRKT:TST2-AUS V IND	NINE	28/12/99	TUE	09:30 AM	06:00 PM	149	17.6	203	9.0
44	43	GP:AUST F1	NINE	12/03/00	SUN	01:00 PM	03:30 PM	142	16.8	200	8.8
45	47	CRKT:TST2-AUS V W.I.	NINE	02/12/00	SAT	12:00 PM	08:25 PM	133	15.7	200	8.8
46	45	CRKT:TST2-AUS V W.I.	NINE	03/12/00	SUN	12:00 PM	06:35 PM	138	16.3	197	8.7
47	36	CRKT:DAY4-AUS V IND	NINE	14/01/00	FRI	01:20 PM	05:05 PM	152	18.0	194	8.6
48	48	R.U:TRI-NATIONS-AUS V S	SEVEN	08/07/00	SAT	07:30 PM	10:00 PM	132	15.6	193	8.5
49	49	TENNIS:AUS OPEN D14-FNL	SEVEN	30/01/00	SUN	10:00 AM	05:00 PM	129	15.3	191	8.4
50	50	R.LEAGUE:SUN LATE	NINE	06/02/00	SUN	08:30 PM	10:45 PM	124	14.7	191	8.4

ADELAIDE AC Nielsen 2000: excluding Olympics & Paralympics. Data in Projections (000s) & TARPS (%)

**Total potential audience: 1,258,000 people & 494,000 households**

RANK (PEOPLE)	RANK – (HOUSEHOLD)	EVENT	NET	START DATE	DOW	START TIME	END TIME	HOUSEHOLD		ALL PEOPLE	
								000's	%	000's	%
1	1	AFL:GRAND FINAL ES-ME	SEVEN	02/09/00	SAT	12:30 PM	04:30 PM	187	37.9	294	23.4
2	2	SWIM:SEL TRIALS 2000 D3	NINE	15/05/00	MON	07:00 PM	08:45 PM	165	33.4	293	23.3
3	2	AFL:H&A FR EV LY RI-AD	SEVEN	02/06/00	FRI	07:00 PM	10:00 PM	165	33.4	286	22.7
4	6	CRKT:NT1-AUS V PAK	NINE	09/01/00	SUN	06:10 PM	09:40 PM	163	33.0	275	21.9
5	6	CRKT:NT3-AUS V IND	NINE	12/01/00	WED	06:40 PM	10:25 PM	163	33.0	270	21.5
6	4	CRKT:NT6-AUS V PAK	NINE	19/01/00	WED	06:40 PM	09:40 PM	164	33.2	268	21.3
7	9	SWIM:SEL TRIALS 2000 D5	NINE	17/05/00	WED	07:00 PM	08:45 PM	158	32.0	266	21.1
8	4	SWIM:SEL TRIALS 2000 D6	NINE	18/05/00	THU	07:00 PM	08:45 PM	164	33.2	263	20.9
9	8	AFL:H&A SU AF LT AD-CO	SEVEN	02/07/00	SUN	04:15 PM	07:30 PM	161	32.6	262	20.8
10	12	AFL:H&A FR EV LY CA-ES	SEVEN	21/07/00	FRI	07:00 PM	10:00 PM	153	31.0	258	20.5
11	15	AFL:H&A SA AF LT AD-HA	SEVEN	16/04/00	SUN	04:15 PM	07:30 PM	149	30.2	257	20.4
12	18	AFL:H&A SA EV MD AD-SY	SEVEN	27/05/00	SAT	08:00 PM	10:50 PM	144	29.1	256	20.3
13	10	AFL:H&A SU AF LT AD-ME	SEVEN	21/05/00	SUN	04:15 PM	07:30 PM	154	31.2	255	20.3
14	13	SWIM:SEL TRIALS 2000 D4	NINE	16/05/00	TUE	07:00 PM	08:15 PM	151	30.6	253	20.1
15	17	AFL:H&A SU AF LY ES-AD	SEVEN	14/05/00	SUN	01:30 PM	04:15 PM	145	29.4	251	20.0
16	22	CRKT:NT:FNL1-AUS V PAK	NINE	02/02/00	WED	06:35 PM	09:30 PM	142	28.7	244	19.4
17	22	CRKT:NT4-AUS V IND	NINE	14/01/00	FRI	06:30 PM	08:45 PM	142	28.7	241	19.2
18	16	AFL:H&A SU EV MD AD-FR	SEVEN	11/06/00	SUN	09:00 PM	12:00 AM	148	30.0	240	19.1
19	19	AFL:H&A SU AF LT PA-AD	SEVEN	23/04/00	SUN	04:15 PM	07:30 PM	143	28.9	235	18.7
20	29	CRKT:NT:FNL2-AUS V PAK	NINE	04/02/00	FRI	06:30 PM	09:30 PM	136	27.5	234	18.6
21	27	SWIM:SEL TRIALS 2000 D7	NINE	19/05/00	FRI	07:00 PM	08:15 PM	138	27.9	224	17.8
22	24	CRKT:NT12-AUS V IND	NINE	30/01/00	SUN	05:15 PM	09:30 PM	141	28.5	224	17.8
23	31	ANSETT CUP00 RD1 ADVME	SEVEN	30/01/00	SUN	08:00 PM	10:30 PM	135	27.3	223	17.7
24	29	AFL:H&A FR EV MD AD-WC	SEVEN	14/07/00	FRI	09:00 PM	12:00 AM	136	27.5	222	17.6
25	32	AFL:PF2 FR EV LY ME-NM	SEVEN	25/08/00	FRI	07:00 PM	10:15 PM	133	26.9	221	17.6
26	35	AFL:H&A SA EV LY BR-AD	SEVEN	08/04/00	SAT	07:00 PM	09:45 PM	130	26.3	220	17.5

## ADELAIDE contd

RANK (PEOPLE)	RANK – (HOUSEHOLD)	EVENT	NET	START DATE	DOW	START TIME	END TIME	HOUSEHOLD		ALL PEOPLE	
								000's	%	000's	%
27	10	AFL:H&A SA AF LY ST-AD	SEVEN	29/04/00	SAT	01:30 PM	04:30 PM	154	31.2	217	17.2
28	28	AFL:H&A SU AF MD ES-NM	SEVEN	04/06/00	SUN	01:30 PM	04:15 PM	137	27.7	215	17.1
29	19	AFL:H&A SU AF LY CO-AD	SEVEN	19/03/00	SUN	01:30 PM	04:30 PM	143	28.9	214	17.0
30	26	AFL:H&A SA EV MD AD-NM	SEVEN	06/05/00	SAT	08:00 PM	10:50 PM	140	28.3	213	16.9
31	24	AFL:H&A SU AF LY WB-AD	SEVEN	25/06/00	SUN	01:30 PM	04:15 PM	141	28.5	210	16.7
32	14	AFL:H&A SA AF LY GE-AD	SEVEN	08/07/00	SAT	01:30 PM	04:30 PM	150	30.4	209	16.6
33	41	SWIM:SEL TRIALS 2000 D2	NINE	14/05/00	SUN	06:30 PM	08:15 PM	123	24.9	208	16.5
34	33	CRKT:DAY5-AUS V PAK	NINE	16/01/00	SUN	09:20 AM	06:15 PM	132	26.7	208	16.5
35	36	AFL:H&A THEV LY ES-PA	SEVEN	09/03/00	THU	07:30 PM	10:30 PM	128	25.9	205	16.3
36	44	ANSETT CUP00 RD2 ADVGE	SEVEN	06/02/00	SUN	08:00 PM	10:30 PM	121	24.5	204	16.2
37	19	AFL:H&A SU AF LY AD-PA	SEVEN	06/08/00	SUN	12:10 PM	03:00 PM	143	28.9	202	16.1
38	43	AFL:H&A FR EV LY ST-PA	SEVEN	19/05/00	FRI	07:00 PM	10:00 PM	122	24.7	202	16.1
39	39	CRKT:NT2-PAK V IND	NINE	10/01/00	MON	06:30 PM	10:10 PM	125	25.3	200	15.9
40	45	TENNIS:AUS OPEN N11	SEVEN	27/01/00	THU	07:00 PM	12:35 AM	119	24.1	194	15.4
41	50	AFL:EF1 FR EV LY GE-HA	SEVEN	11/08/00	FRI	07:00 PM	10:15 PM	107	21.7	193	15.3
42	34	AFL:H&A SU AF MD WC-CA	SEVEN	28/05/00	SUN	02:50 PM	05:30 PM	131	26.5	192	15.3
43	46	ANSETT CUP00 RD3 ADVST	SEVEN	13/02/00	SUN	08:00 PM	10:30 PM	118	23.9	191	15.2
44	41	AFL:QF2 SU AF LY CA-ME	SEVEN	13/08/00	SUN	01:30 PM	05:00 PM	123	24.9	189	15.0
45	47	CRKT:AUS V SA G1 S2	NINE	16/08/00	WED	07:05 PM	10:15 PM	112	22.7	188	14.9
46	36	AFL:H&A SU AF LY NM-PA	SEVEN	28/05/00	SUN	12:10 PM	02:50 PM	128	25.9	188	14.9
47	36	AFL:H&A SA AF MD AD-WB	SEVEN	11/03/00	SAT	03:30 PM	06:30 PM	128	25.9	187	14.9
48	49	AFL:H&A SA EV MD PA-GE	SEVEN	13/05/00	SAT	08:00 PM	10:50 PM	110	22.3	185	14.7
49	48	AFL:H&A SA EV MD FR-PA	SEVEN	01/07/00	SAT	08:00 PM	11:00 PM	111	22.5	185	14.7
50	40	GP:AUST F1	NINE	12/03/00	SUN	01:30 PM	04:00 PM	124	25.1	184	14.6

PERTH AC Nielsen 2000: excluding Olympics & Paralympics. Data in Projections (000s) & TARPS (%)

**Total potential audience: 1,461,000 people & 534,000 households**

RANK (PEOPLE)	RANK (HOUSEHOLD)	EVENT	NET	START DATE	DOW	START TIME	END TIME	HOUSEHOLD		ALL PEOPLE	
								000's	%	000's	%
1	1	AFL:H&A SU EV LY FR-WC	SEVEN	30/07/00	SUN	06:30 PM	07:45 PM	184	34.5	332	22.7
2	2	AFL:GRAND FINAL ES-ME	SEVEN	02/09/00	SAT	11:00 AM	03:00 PM	161	30.1	272	18.6
3	5	AFL:H&A SA EV LY WC-FR	SEVEN	15/04/00	SAT	06:30 PM	09:30 PM	151	28.3	267	18.3
4	6	AFL:H&A FR EV LY NM-WC	SEVEN	10/03/00	FRI	07:30 PM	10:30 PM	148	27.7	266	18.2
5	8	AFL:H&A FR EV LY AD-WC	SEVEN	14/07/00	FRI	07:30 PM	10:30 PM	146	27.3	266	18.2
6	11	AFL:H&A SA EV LY ES-WC	SEVEN	17/06/00	SAT	06:30 PM	09:30 PM	143	26.8	248	17.0
7	9	AFL:H&A SU EV LY WC-SY	SEVEN	19/03/00	SUN	06:30 PM	09:30 PM	144	27.0	243	16.6
8	9	AFL:H&A MO EV LY CO-FR	SEVEN	01/05/00	MON	07:30 PM	10:30 PM	144	27.0	239	16.4
9	3	AFL:H&A FR EV MD WC-HA	SEVEN	12/05/00	FRI	08:30 PM	11:30 PM	155	29.0	239	16.4
10	4	AFL:H&A SU AF LY CO-WC	SEVEN	21/05/00	SUN	12:00 PM	02:45 PM	152	28.5	233	15.9
11	13	AFL:H&A FR EV LY CA-ES	SEVEN	21/07/00	FRI	07:30 PM	10:35 PM	136	25.5	233	15.9
12	6	AFL:H&A TU AF MD FR-BR	SEVEN	25/04/00	TUE	03:00 PM	06:00 PM	148	27.7	231	15.8
13	15	AFL:H&A SU AF LT FR-SY	SEVEN	18/06/00	SUN	04:45 PM	07:45 PM	133	24.9	231	15.8
14	13	AFL:H&A SA EV LY ST-WC	SEVEN	25/03/00	SAT	06:30 PM	09:30 PM	136	25.5	228	15.6
15	12	AFL:H&A SU AF LT FR-WC	SEVEN	30/07/00	SUN	04:30 PM	06:00 PM	141	26.4	227	15.5
16	19	AFL:H&A SA EV MD WC-WB	SEVEN	29/04/00	SAT	08:30 PM	11:30 PM	129	24.2	221	15.1
17	26	AFL:H&A SA EV LY BR-WC	SEVEN	03/06/00	SAT	06:30 PM	09:30 PM	120	22.5	220	15.1
18	17	AFL:H&A SA EV LY RI-WC	SEVEN	06/05/00	SAT	06:30 PM	09:30 PM	132	24.7	217	14.9
19	23	AFL:H&A SU AF LT WC-CA	SEVEN	28/05/00	SUN	04:45 PM	07:45 PM	124	23.2	213	14.6
20	42	AFL:H&A SU EV LY FR-RI	SEVEN	16/07/00	SUN	06:30 PM	07:45 PM	104	19.5	205	14.0
21	24	AFL:H&A SA EV LY FR-GE	SEVEN	11/03/00	SAT	06:30 PM	09:30 PM	122	22.8	203	13.9
22	15	AFL:H&A SU AF LY SY-WC	SEVEN	02/07/00	SUN	12:00 PM	03:00 PM	133	24.9	202	13.8
23	26	AFL:PF2 FR EV LY ME-NM	SEVEN	25/08/00	FRI	07:30 PM	10:30 PM	120	22.5	198	13.6
24	32	AFL:H&A SU AF LT WC-NM	SEVEN	25/06/00	SUN	04:45 PM	07:45 PM	114	21.3	198	13.6
25	20	CRKT:NT1-AUS V PAK	NINE	09/01/00	SUN	03:30 PM	07:15 PM	126	23.6	195	13.3

PERTH contd

RANK (PEOPLE)	RANK (HOUSEHOLD)	EVENT	NET	START DATE	DOW	START TIME	END TIME	HOUSEHOLD		ALL PEOPLE	
								000's	%	000's	%
26	29	AFL:H&A SU AF LT FR-ST	SEVEN	04/06/00	SUN	04:45 PM	07:45 PM	117	21.9	195	13.3
27	24	AFL:H&A SA EV LY PA-FR	SEVEN	18/03/00	SAT	06:30 PM	09:30 PM	122	22.8	191	13.1
28	39	AFL:EF2 SA EV LY BR-WB	SEVEN	12/08/00	SAT	06:30 PM	09:30 PM	107	20.0	190	13.0
29	39	SWIM:SEL TRIALS 2000 D3	NINE	15/05/00	MON	07:00 PM	08:30 PM	107	20.0	188	12.9
30	33	SWIM:SEL TRIALS 2000 D7	NINE	19/05/00	FRI	07:00 PM	08:15 PM	113	21.2	185	12.7
31	41	R.UNION:BLEDISLOE CUP-A	SEVEN	15/07/00	SAT	06:30 PM	08:30 PM	105	19.7	185	12.7
32	21	CRKT:NT6-AUS V PAK	NINE	19/01/00	WED	07:05 PM	10:20 PM	125	23.4	184	12.6
33	18	AFL:H&A SU AF LY GE-WC	SEVEN	09/04/00	SUN	12:00 PM	03:00 PM	130	24.3	182	12.5
34	36	AFL:H&A SA EV MD FR-PA	SEVEN	01/07/00	SAT	08:30 PM	11:30 PM	110	20.6	182	12.5
35	36	CRKT:NT4-AUS V IND	NINE	14/01/00	FRI	07:00 PM	09:35 PM	110	20.6	180	12.3
36	42	SWIM:SEL TRIALS 2000 D6	NINE	18/05/00	THU	07:00 PM	08:45 PM	104	19.5	179	12.3
37	38	SWIM:SEL TRIALS 2000 D5	NINE	17/05/00	WED	07:00 PM	08:45 PM	109	20.4	179	12.3
38	33	AFL:H&A SA EV MD WC-PA	SEVEN	10/06/00	SAT	08:30 PM	11:30 PM	113	21.2	179	12.3
39	31	AFL:H&A TU AF LY CO-ES	SEVEN	25/04/00	TUE	12:00 PM	03:00 PM	115	21.5	178	12.2
40	29	AFL:H&A SU AF MD WC-ME	SEVEN	06/08/00	SUN	03:00 PM	06:00 PM	117	21.9	178	12.2
41	42	ANSETT CUP00 RD1 WCVES	SEVEN	28/01/00	FRI	07:00 PM	09:30 PM	104	19.5	177	12.1
42	48	SWIM:SEL TRIALS 2000 D2	NINE	14/05/00	SUN	06:30 PM	08:20 PM	96	18.0	176	12.0
43	48	AFL:H&A SA EV LY HA-FR	SEVEN	27/05/00	SAT	06:30 PM	09:30 PM	96	18.0	176	12.0
44	46	AFL:H&A FR EV MD ES-ST	SEVEN	26/05/00	FRI	08:30 PM	11:30 PM	100	18.7	176	12.0
45	28	CRKT:NT3-AUS V IND	NINE	12/01/00	WED	07:00 PM	11:15 PM	118	22.1	175	12.0
46	21	CRKT:DAY1-AUS V PAK	NINE	09/01/00	SUN	11:20 AM	03:00 PM	125	23.4	175	12.0
47	33	CRKT:NT:FNL1-AUS V PAK	NINE	02/02/00	WED	07:00 PM	10:30 PM	113	21.2	173	11.8
48	50	SWIM:SEL TRIALS 2000 D4	NINE	16/05/00	TUE	07:00 PM	08:10 PM	93	17.4	172	11.8
49	45	AFL:EF1 FR EV LY GE-HA	SEVEN	11/08/00	FRI	07:30 PM	10:35 PM	102	19.1	172	11.8
50	46	AFL:H&A FR EV MD WB-ES	SEVEN	14/04/00	FRI	08:30 PM	11:30 PM	100	18.7	171	11.7

## Attachment J – Interest in TV Sports 2000

### Sweeney Sports Report - Top Twenty Sports

Table 1

	Sport	TV Viewing	Participation	Attendance	Overall Interest
		%	%	%	%
1	Cricket	50	12	21	55
2	Australian Rules	46	5	26	50
3	Tennis	43	24	11	51
4	Swimming	37	40	6	58
5	Soccer	34	7	12	39
6	Rugby	33	3	14	36
7	Motor Car Racing	31	2	9	33
8	Basketball	30	9	12	35
8	Athletics	30	5	8	35
10	Rugby Union	28	2	10	31
11	Golf	27	22	6	36
12	Gymnastics	24	1	3	26
13	Netball	17	9	6	24
14	Cycling	16	21	3	33
15	Surfing	15	12	5	24
16	Jogging/Running/Marathons	11	22	2	30
17	Fishing	8	26	1	29
17	Snooker/Pool/Billiards	8	22	1	25
19	Ten Pin Bowling	5	20	1	23
20	Bushwalking/Hiking	1	31	*	32

Source: Sweeney Sports Report - media release 30 March 2001

\* = less than 0.5%

### Top 10 Sports Watched on TV by Heavy TV Viewers

Table 2

	Sport	%
1	Australian Rules	45
2	Cricket – Outdoor	43
3	Tennis	39
4	Swimming	38
5	Rugby League	31
6	Motor Car racing	29
7	Soccer	25
8	Golf	24
9	Rugby Union	21
10	Gymnastics	18

Source: ACNielsen Media International Australian TV Trends 2001

## Attachment K - Proposed Amendments – Anti-Siphoning List

This proposed list includes key events in 11 sports categories contained in the current list. It also contains new soccer events and the additional sport of swimming, which have grown in popularity and significance. The proposed amendments to the description of some events reflect the change or corrections.

The events and text proposed to be removed have ‘strike-through’ marks, whilst amendments and additions to the list are underlined.

### 1. Horse racing

1.1 ~~each running of the Melbourne Cup organised by the Victoria Racing Club.~~

### 2. Australian rules football

2.1 each match in the Australian Football League Premiership competition.

2.2 each match in the Finals Series of the Australian Football League Premiership competition.

~~2.3 each Australian Football League State of Origin match.~~

### 3. Rugby league

3.1 each match in the National Rugby League Premiership competition.

3.2 each match in the National Rugby League Premiership Finals competition.

3.3 each match in the Rugby League State of Origin Series.

3.4 each international rugby league match involving the senior Australian representative team and the senior representative team of another country.

~~The following events conducted by or for the New South Wales or the Australian Rugby League (as the case may be) during the period commencing at the commencement of this notice and ending at the end of 31 December 2004:~~

~~3.1 each match in the New South Wales Rugby League Premiership (Winfield Cup) competition;~~

~~3.2 each match in the New South Wales Rugby League Finals Series;~~

~~3.3 each match in the Australian Rugby League National Premiership competition;~~

~~3.4 each match in the Australian Rugby League National Premiership Finals Series;~~

~~3.5 each match in the New South Wales Rugby League State of Origin Series;~~

~~3.6 each match in the Australian Rugby League State of Origin Series;~~

~~3.7 each international rugby league ‘test’ match involving the senior Australian representative team selected by the New South Wales or Australian Rugby League (as the case may be), whether played in Australia or overseas;~~

~~3A The following events conducted in the period from the beginning of 1 January 1996 to the end of 31 December 2004 by or for Super League Pty Ltd, Star League Pty Ltd or a body corporate under section 50 of the Corporations Law, is related to either of those bodies:~~

- ~~3A.1 each match whether played in Australia or overseas, in the competition that is promoted as the Australasian Super League, involving the senior team of each participant in that competition;~~
- ~~3A.2 each match, whether played in Australia or overseas, in the Finals Series of the Australasian Super League, involving the senior team of each participant in that competition;~~
- ~~3A.3 each match, whether played in Australia or overseas, in the competition that is promoted as the Super League Tri Series Tournament, involving the senior team of each participant in that competition;~~
- ~~3A.4 each match, whether played in Australia or overseas, in the competition that is promoted as the World Club Championship;~~
- ~~3A.5 each match, whether played in Australia or overseas, in the competition that is promoted as the Super League World Cup;~~
- ~~3A.6 any other match, whether played in Australia or overseas, involving the senior Australian representative team selected by a body corporate that is specified, or to which reference is otherwise made in this clause.~~
- ~~3B— Any event conducted in the period from the commencement of this item to the end of 31 December 2004, that is a match in a competition:~~
- ~~(a) between the senior teams of participants in the competition; and~~
  - ~~(b) organised by or for a body mentioned in 3 or 3A; and~~
  - ~~(c) intended to supplement or replace the competition mentioned in item 3 or 3A (whether or not the new competition uses the name of the other competition).~~
- ~~3C— Any event conducted in the period from the commencement of this item to the end of 31 December 2004, that is a match in a competition:~~
- ~~(a) between the senior teams of participants in the competition; and~~
  - ~~(b) playing rugby league football (whether described as rugby league, super league or by another name); and~~
  - ~~(c) whose teams:~~
    - ~~(i) represent, or are associated with a country, State, Territory, city, town or suburb or a region of a country, State, Territory, city, town or suburb; and~~
    - ~~(ii) are not all located in one State or Territory; and~~
  - ~~(d) that does not require the members of its senior teams to be:~~
    - ~~(i) school students; or~~
    - ~~(ii) below an age of 21 or less; or~~
    - ~~(iii) above an age of 30 or more.~~

#### 4. Rugby union

- 4.1 each international rugby union ‘test’ match involving the senior Australian representative team ~~selected by the Australian Rugby Union, whether played in Australia or overseas.~~
- 4.2 each match in the Rugby World Cup tournament.
- 4.3 ~~each match in the Hong Kong Sevens tournament.~~

#### 5. Cricket

- 5.1 each ‘test’ cricket match involving the senior Australian representative team ~~selected by the Australian Cricket Board, whether played in Australia or overseas~~ the United Kingdom.
- 5.4 each one day cricket match (~~including World Series Cricket matches~~) involving the senior Australian representative team ~~selected by the Australian Cricket Board, whether played in Australia or overseas.~~ the United Kingdom.
- 5.3 each World Cup one day cricket match.

#### 6. Soccer

- 6.1 each finals match in the ~~Eriesson Cup organised by the National Soccer League.~~
- 6.2 the English Football Association Cup Final.
- 6.7 each match in the ~~Federation of International Football Associations Federation Internationale de Football Association (FIFA) World Cup Tournament (until 2006 World Cup).~~
- 6.8 each international soccer match involving the senior Australian representative team and the senior representative team of another country.

#### 7. Tennis

- 7.1 each match in the Australian Open tennis tournament.
- 7.2 each match in Wimbledon (~~the Lawn Tennis Championships~~) tennis tournament.
- 7.3 ~~each match in~~ men and women’s semi-finals and final of the French Open tennis tournament.
- 7.4 each match in the United States Open tennis tournament.
- 7.5 ~~each match in the Australian Men’s Hardcourt Championships (now known as the AAPT Championships) held in Adelaide.~~
- 7.6 ~~each match in the Australian Women’s Hardcourt Championships (now known as the Thalgo Australian Women’s Hardcourt Championships) held in Brisbane.~~
- 7.7 each match in the Peters-Adidas International tennis tournament.
- 7.8 each match in each tie in the Davis Cup tennis tournament ~~when an Australian representative team is involved.~~ involving the Australian representative team.

## **8. Netball**

- 8.1 each international netball match involving the senior Australian representative team. ~~selected by the All Australia Netball Association, whether played in Australia or overseas.~~

## **9. Basketball**

- 9.1 ~~each match in the grand final games of the Australian National Basketball League. playoffs.~~

## **10. Golf**

- 10.1 each round of the Australian Masters ~~tournament.~~
- 10.2 each round of the Australian Open ~~tournament.~~
- 10.3 each round of the United States Masters ~~tournament.~~
- 10.4 each round of the United States Open ~~tournament.~~
- 10.5 each round of the United States Professional Golf Association Championship ~~tournament.~~
- 10.6 each round of the British Open ~~tournament.~~

## **11. Motor sports**

- 11.1 each race in the Federation Internationale de l'Automobile Formula 1 World Championship (Grand Prix).
- 11.2 each race in the ~~International Federation of Motoreycling Federation~~ International de Motorcyclisme (FIM) World 500cc Motorcycle Championship.
- 11.3 each race in the Australian Touring Car Championship.
- 11.4 ~~each Bathurst 1000 race.~~
- 11.5 ~~each race in the Australian IndyCar Grand Prix.~~

## **12. Swimming**

- 12.1 Federation Internationale de Natation (FINA) World Swimming Championships (Long Course).
- 12.2 The Pan Pacific Swimming Championships.