

Cricket Australia

23 April 2012

In reference to p 3 of your submission, “events should be identified for listing as anti-siphoning events in consultation with sport governing bodies, including any application of Coverage Obligations, and by a public interest test using industry recognised and objective criteria”. What would you suggest as possible industry recognised and objective criteria?

The question from Senator McKenzie is perhaps best answered through CA’s original submission to the Review (2009) – please refer to the attached, section 2b (pp 6-7).

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Cricket Australia



16 October 2009

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

Dear Senator Conroy

SPORT ON TELEVISION: A REVIEW OF THE ANTI-SIPHONING SCHEME IN THE CONTEMPORARY DIGITAL ENVIRONMENT

Cricket Australia welcomes this opportunity to state its views on the anti-siphoning scheme (the Scheme).

Cricket Australia acknowledges there are sound principles that underpin the Scheme, but share the view of many including the Australian Government's own Productivity Commission that the Scheme *"appears to be a blunt, burdensome instrument that is unnecessary to meet the objective of ensuring wide-community access to sporting broadcasts."*

With this in mind, Cricket Australia believes the Scheme should be abolished for the following reasons:

1. As an economic concept, it is flawed. It is anti-competitive and an example of over-regulation. It restricts sport governing bodies' ability to negotiate in an unfettered manner in a free market to achieve fair market value from the sale of broadcast rights; this in turn restricts their ability to invest in the development of their sports, which of itself is a detriment to the community.
2. It does not encourage innovation or deliver full coverage of every event on the list to the Australian public, on their terms.
3. It does not recognise the role, responsibility or expertise of Australian sport governing bodies to manage their specific sport on behalf of the Australian public.
4. It assumes that Government is best placed to make decisions for the benefit of sport.

Together with other members of the Coalition of Major Professional Sports, Cricket Australia has consistently argued against the existence of the anti-siphoning list since its inception. In the event that the anti-siphoning list is to remain, Cricket Australia urges the Government to achieve a meaningful balance between the Government's objectives and the commercial imperatives of Cricket Australia. Specifically, the review's emphasis should seek to ensure that only events of truly national importance and cultural significance are protected to ensure access to the greatest proportion of the Australian viewing public.

Cricket Australia cannot achieve its goal for cricket to be Australia's favourite sport by alienating the viewing public. Equally, to deliver on its vision, Cricket Australia needs to be backed by a sound financial position that allows it to fund cricket in the community, from the Australian cricket teams to the local junior cricket club. It is a virtuous cycle but ultimately it is Cricket Australia that is responsible for managing the game of cricket on behalf of the Australian public.

In this context Cricket Australia must have the freedom and the ability to do the best job it can for the Australian population. That job is to grow the game for the enjoyment of all Australians; to make it fully accessible whether on television or in the community and to make it a sport that Australians want to watch and play. And, at the same time, Cricket Australia must ensure the game is financially healthy and can sustain its role in the Australian way of life for the future.

It is a case of effectively and carefully balancing social, economic and strategic interests. This is why Cricket Australia exists.

As with other industries in Australia, balancing these interests should be a responsibility which is not artificially hindered by regulation, particularly where the regulation is, as argued by the Productivity Commission, anti-competitive, out-dated and fails to deliver to the public it seeks to protect.

Many other countries boast a similarly-run Scheme – excluding arguably the world's most sophisticated sports market, the United States, where the Scheme was abolished in 1994. Comparatively, Australia's anti-siphoning scheme is the most comprehensive and restrictive of any country.

Cricket Australia hopes the review can recognise that Cricket Australia's objectives, role and responsibilities are in the public interest.

This review must determine what events are truly of national importance and cultural significance as its primary purpose.

From a cricket perspective, we already know which events these are because the Australian public tells us – through attendance figures, television ratings and other data.

While we work on a daily basis to achieve our vision to be Australia's favourite sport and to ensure cricket is part of the Australian psyche and cultural fabric, it is plainly obvious that Test cricket played by Australia against England (the Ashes) is the event that rises above all other cricket events.

The Ashes Test Series is what truly unites Australians as a matter of genuine national importance and cultural significance.

Cricket Australia's specific responses to the issues for comment are enclosed herein. Cricket Australia welcomes any opportunity to discuss this submission and the Scheme with Government.

Yours faithfully

JAMES SUTHERLAND
CHIEF EXECUTIVE OFFICER

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SPORT ON TELEVISION: A REVIEW OF THE ANTI-SIPHONING SCHEME IN THE CONTEMPORARY DIGITAL ENVIRONMENT

CRICKET AUSTRALIA'S RESPONSE TO THE ISSUES FOR COMMENT

1. THE PURPOSE OF THE ANTI-SIPHONING SCHEME AND ITS IMPACTS

a. What purpose should the anti-siphoning scheme have?

Determining how cricket is televised is one of the most important decisions Cricket Australia makes. A significant investment in time, resources and analysis underpins such a decision to ensure Cricket Australia makes the right decision to best support the continued health of the game, including its popularity and engagement with the viewing public but also its financial position.

The Scheme as it currently operates serves little purpose other than to continue to protect the free-to-air television networks from legitimate competition for sports broadcast rights. As the Productivity Commission has so aptly and often argued, the Scheme is anti-competitive. It operates something akin to a Government imposed, quasi-restraint of trade on the sale and acquisition of sports rights. It constrains a sport governing body from its duty to balance the public interest and its commercial and strategic objectives.

Cricket Australia should be able to make its own decisions and have the freedom to choose how cricket is televised taking all necessary and pertinent considerations into account. For example, alienating the viewing public would be completely against Cricket Australia's economic and strategic interests. Cricket Australia is responsible for making sensible decisions regarding the extent and reach of any cricket coverage and balancing this with economic considerations to ensure the financial health of the sport.

The Scheme fails to acknowledge the role, responsibilities and most importantly, the expertise of the sport governing body, which, more so than anyone else, is cognisant of the needs and demands of the Australian public that are fans of the game of cricket.

In the event that the Scheme is to continue, it should be true to the principle of its inception and facilitate **live and in-full coverage of events of truly national significance on Australian television for viewers**. This can only be achieved by encouraging competition and flexibility in the broadcast market.

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

The first step is to define what is an event of *national importance* and *cultural significance*. This is not an arbitrary decision, and can change over time. Identifying events of national importance and cultural significance is about premium events being protected from siphoning or, to ensure Australian fans see an event because they have a right to do so.

The public knows which events these are; it is evidenced by various metrics including consistently high attendances, television ratings and participation figures.

Broadcast coverage is a significant driver of public awareness and a sport's popularity. Reaching the maximum number of viewers for premium sports content encourages involvement and participation in a sport at all levels of the game from the grassroots

through to the elite level. Viewership also supports key revenue streams for sport such as sponsorship and advertising.

Currently, the lion's share of the eye balls is still fixed on free-to-air television although the fragmentation of this audience continues, driven by more content offerings delivered via more media channels. This is evidenced by the increased expenditure by the advertising market in new media channels such as online, which surpassed \$1.7 billion for the 2008 calendar year, representing an increase of \$364.25 million or 27 percent year-on-year growth.¹

If the Government's goal is to encourage live and in-full coverage of nationally important and culturally significant sporting events to as much of the viewing public as possible it must, in the absence of a free market, be more prescriptive in how events that continue to be listed must be used. In other words, it must require live and in-full coverage of any listed event by the free-to-air broadcasters and prohibit the hoarding of rights to these events where the broadcaster recognises that the event is not nationally important or culturally significant enough to command the majority of the viewing public's interest and warrant live and in-full coverage that will displace other programming commanding greater viewership, hence greater public interest.

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

Given its inherent anti-competitive nature, the Scheme reduces Cricket Australia's ability to grow its revenue, the vast majority of which is acquired through the sale of its media rights. The Scheme thereby reduces Cricket Australia's ability to invest in cricket in the community, from the grassroots to elite cricket, and in programs to reach cricket minority groups such as Indigenous, multi-cultural and female markets.

The Scheme deprives Cricket Australia of a share in optimal distributions from cricket's governing body, the International Cricket Council, from revenue collected from the sale of its broadcast rights into the Australian market for its events on the List such as the One Day International World Cup.

The Productivity Commission's *Annual Review of Regulatory Burdens on Business: Social and Economic Infrastructure* reiterated its view that:

The anti-siphoning regime...has a negative impact on sporting bodies, as a result of the substantial reduction in competition during negotiations with broadcasters for the rights. The Commission, in the Broadcasting Inquiry, found that the provisions [of the anti-siphoning regime] reinforced the market power of the small number of free-to-air broadcasters, reducing the potential benefits to the sporting bodies. The commission also concluded that the anti-siphoning regime is likely to distort the relative prices of broadcast rights of listed events relative to non-listed events, potentially reducing the price received by sporting organisations for listed events.²

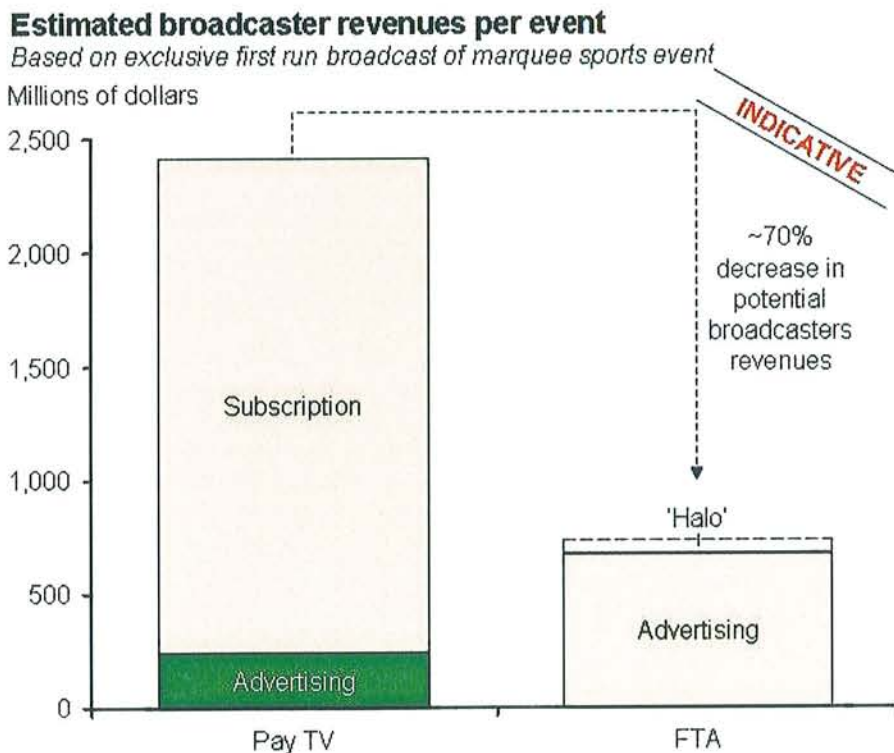
Cricket Australia needs to maintain and, wherever possible, increase the viewership of cricket to achieve our vision to be Australia's favourite sport. Notwithstanding this, the

¹ Source: Interactive Advertising Bureau

² *Annual Review of Regulatory Burdens on Business: Social and Economic Infrastructure*, Productivity Commission, 15 September 2009, p158

advertising revenue model of the free-to-air television industry will result in significantly reduced rights values, which can only be mitigated by Cricket Australia if broadcasters are incentivised to pay the real value of broadcast rights through competitive bidding tension in the market or, if Government can address and contribute to the shortfall in value.

The subscription television model, which leverages both advertising and incremental subscriptions, enables it to more efficiently monetise premium content and to thereby pay the real value for that content. At the very least enabling subscription television to actively bid for rights encourages the free-to-air broadcasters to value the rights at their proper market value. For major professional sports such as cricket, this means it is more likely to achieve a true and fair value from the sale of its media rights. The relative ability of the Australian television platforms to monetise premium sports content is illustrated by the graph below which highlights the indicative value loss for sport governing bodies.



Note: Average of two major professional sports

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Supporting this point is the case study of the England and Wales Cricket Board. With a deregulated UK market (notwithstanding the UK's dual rights model governing the acquisition and use of listed events in the UK), the ECB was able to increase the sale of its rights between 2000 and 2009 which has resulted in an increase in its grassroots expenditure by 140 per cent. The ECB's payments to clubs increased from £11m to £33m during that time and its new broadcast deal for 2010-13 will lead to a further 34 per cent increase in distributions to its cricket clubs.⁴

³ *Impact of Potential Changes to Anti-siphoning Policy*, L.E.K Consulting Pty Ltd, commissioned by the Coalition of Major Professional Sports (COMPS), 17 April 2009

⁴ *The Impact of Broadcasting on Sports in the UK: An independent Economic Study commissioned by British Sky Broadcasting Limited*, Deloitte LLP, 20 July 2009, p16

2. THE APPROPRIATENESS OF THE EVENTS ON THE ANTI-SIPHONING LIST AND THEIR RATIONALE FOR INCLUSION

a. Which events should be included on the anti-siphoning list and why?

Cricket Australia has already stated its view that the Scheme should be abolished.

If Government is intent on serving the public, a public interest test should be applied requiring each of the parameters set out below under *Issue for Comment 2.b.* to be satisfied for an event to be placed on the List.

These pre-conditions or measures are used by media and marketing industry analysts and experts, including sport governing bodies, to measure the popularity of an event. Cricket Australia commissions significant research each year to monitor the health of cricket.

These measures best indicate if an event is part of the Australian consciousness, a cultural icon capturing the vast majority of the Australian public's imagination and interest.

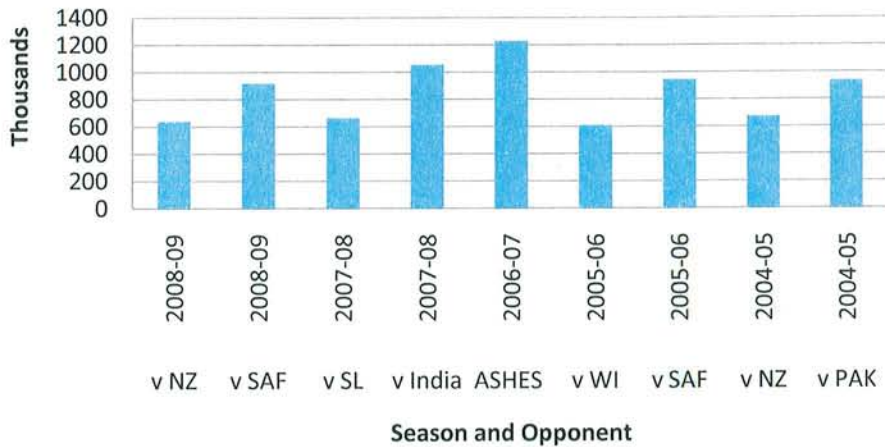
The public drives the demand for information about an event and if the media industry is not delivering this information it is arguably indicative that an event is not truly of national importance or cultural significance. The media industry, like Cricket Australia, cannot afford to alienate its audience. If the public is not reading about, watching, listening to, talking about or going to an event or otherwise engaging with the event and its participants the event is clearly not one of national importance or cultural significance.

Of the cricket events falling under Cricket Australia's auspices, the Ashes Test Series, in Cricket Australia's view, is the only cricket event that truly captures the undivided attention, interest and imagination of the viewing public and satisfies each of the below listed pre-conditions.

The recent Ashes Test Series played in the UK consistently appeared in *The Australian's* Media Monitors Most Mentioned Issues list; in each instance behind only one or two significant public issues or tragedies such as alleged terror plots, the emissions trading bill and the Kokoda plane crash tragedy.

The Ashes Test Series commands high ratings compared to other programming and compared to all other cricket played in Australia. The 2006-07 Ashes Test Series played in Australia is still the highest rating Test series during the period of the current List reaching a total average audience of more than 1.2 million viewers across 22 days of cricket.

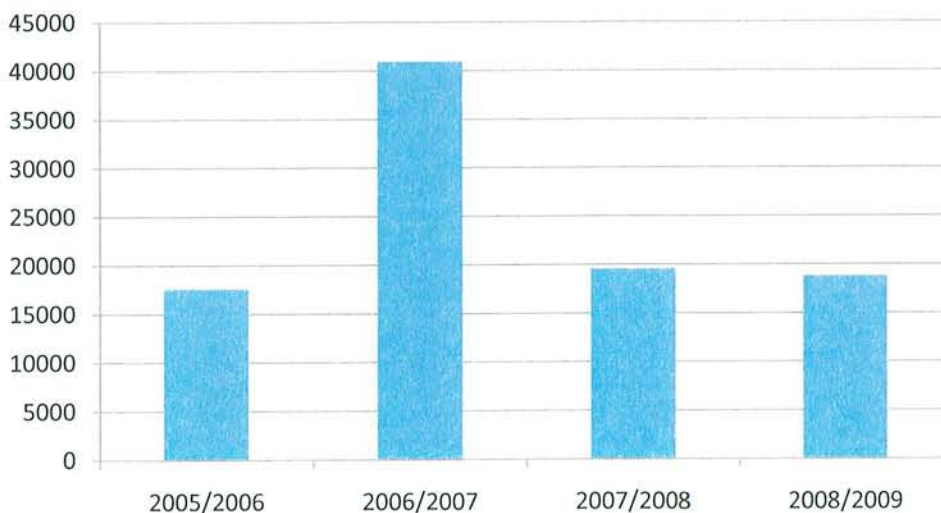
Total Average Audience



The recent Ashes Test Series played in the UK rated well for SBS and FOX SPORTS who both broadcast the series on Australian television. SBS achieved a total series average audience of 553,756 helping SBS to win its timeslots against other channels and experience a surge in audience share throughout the series. The higher rating matches were the highest rating programs on SBS for the year-to-date. FOX SPORTS enjoyed comparable subscription television total series average audience numbers of 174,990. The Ashes Test Series when played in the UK and broadcast live into Australia overnight (as a *while-you-were-sleeping* event) still commands significant interest from Australian viewers.

The spike in attendance at the cricket for an Ashes Test Series played in Australia is significant. Attendance at Test cricket enjoys a gradual year-on-year increase however as the below chart demonstrates, attendance at Ashes cricket far surpasses attendance at any other series. In 2006-07 more than 813,000 spectators attended the Ashes.

Average Crowd Per Day



Cricket Australia is fortunate that its host broadcaster for the past 32 years, the Nine Network, has broadcast Ashes Test cricket (and other international cricket) live and in-full across Australia.

The economic impact of an Ashes Test Series is significant. In 2006-07 the Ashes generated \$265 million in incremental direct expenditure within the Australian economy and contributed an additional \$45 million in gross domestic product to the Australian economy.

No other cricket event and few other sporting events command such interest and impact across the Australian community. The impact of the Ashes in 2006-07 while significant fell behind that of other listed events such as the Rugby World Cup and Melbourne Spring Carnival however.

No other cricket event commands anywhere near the same level of passion, undivided interest, viewership, and attendance or has such a profound impact on the Australian community. This goes more to the heart of what it means to be a sport and cricket loving Australian and not just an event-going, interested fan of the game and its national representative team

One day international cricket rates well and attracts hundreds of thousands of spectators to the matches each year, however it is currently behind Test cricket overall and doesn't command the same level of interest or fervour with respect to a match or series loss or win as the Ashes does. The public respects, admires and is entertained by one day international cricket and recognises its importance in the cricketing calendar but the public's passion and imagination for cricket is overwhelmingly captured by the Ashes, which consistently draws the Australian sports loving public to television screens and cricket grounds around Australia as tradition.

Twenty20 internationals have their place in the cricketing calendar albeit that only a handful of matches are played in any one summer in Australia. Twenty20 cricket is the newest form of the game and is a developing but still immature entertainment product. Herein the distinction lies: unlike Test and ODI cricket, Twenty20 cricket has yet to instil national pride or command public passion or interest beyond that of a product intended to engage with and provide entertainment to its audience.

Ashes Test cricket is the only cricket event of truly national importance and cultural significance and is therefore the only cricket event that should be included on an anti-siphoning list.

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

As stated under *Issue for Comment 2.a.* events should only be listed if they satisfy a public interest test.

Given the Scheme has, to date, been an arbitrary application, there must be some criteria established to review and assess events as the television broadcast market changes.

A public interest test that will articulate *national importance* and *cultural significance* could consider the following requirements:

1. identified by the relevant sport governing body for inclusion on the List;
2. held or played in Australia; or, where the event is not held or played in Australia;
3. features in competition a recognisable Australian individual or senior Australian representative team or individual; and

4. achieves a consistent and high level of media mentions across radio, press, television and online both immediately prior to, at the conclusion of and simultaneously with the event; and
5. has enjoyed a pattern of consistent live and in-full free-to-air television coverage; and
6. achieves consistently high ratings; and
7. has enjoyed a pattern of consistent and sell out crowds attending the event where the event is held or played in Australia; and
8. enjoys a high level of participation in the sport featured by the event at the community level; and
9. enjoys a consistent and high level of public interest in the Australian individual or team competing in the event; and
10. has a special resonance for, and is a catalyst of, cultural identity; and
11. provides a focus on achievement or the pursuit of an attainable award of significance, for example to win an iconic trophy or medal.

These are not insurmountable criteria and are appropriate as the means by which *nationally important* and *culturally significant* can be articulated. These criteria are in a sense the 'values' by which to test the public's interest in an event considered for inclusion on the List.

3. THE DURATION OF THE ANTI-SIPHONING LIST

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

Many listed events are already wrapped in to commercial deals extending beyond the life of the current List and into the subsequent few years after its expiration. The Scheme must not operate to further burden the sport governing bodies by preventing them from negotiating with confidence a reasonable term of any agreement concerning such rights.

The Australian media landscape will be vastly different from what it is now from 2013 onwards when the Government moves to roll out the national broadband network, switch off analogue television and use the digital dividend; opening up a suite of new opportunities for content delivery.

Implementing a system that analyses or collects data year-on-year on an event's performance against the pre-conditions of listing set out above under *Issue for Comment 2.b.* matched to a timeline of existing commercial deals will enable the Scheme to be fluid and more importantly, immediately reactive to the developments of the changing media environment.

In the event the Scheme is to continue, an appropriate duration for any new or revised List is not less than five years.

4. THE APPROPRIATENESS OF THE CURRENT AUTOMATIC DE-LISTING ARRANGEMENTS

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

If the Scheme is true to its intent, and proper criteria is set for determining which events are genuinely nationally important and culturally significant so as to warrant inclusion on the List, there should not be any need for a delisting system: the free-to-air networks should be

obligated to broadcast the event because the event was regarded as important enough to be listed at the outset. Herein lays one flaw of the Scheme.

In any event, as much notice as possible should be afforded under a delisting system, preferably more than 12 weeks, to enable the negotiation and alternative arrangements for broadcast, particularly given the lead times required for the promotion and planning of any cricket event.

5. SCHEDULING AND COVERAGE OF EVENTS ON THE ANTI-SIPHONING LIST

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

Events on the List must be broadcast live and in-full (with some exceptions discussed below). The corollary to this is that if a free-to-air television network whose business is based on achieving ratings does not broadcast an event live and in-full because other programming will rate more highly, then the event is not truly of national importance and cultural significance and should therefore not be on the List in the first place.

Events that should be on the List will warrant live and in-full coverage on a national and regular basis. There are some sporting events, such as an Ashes Test Match that will, for the foreseeable future, not be displaced by other programming and will always be broadcast live and in-full because no other regular programming will command the same level of viewer interest.

There are always exceptions to any rule and allowances must be made to accommodate special and one-off events however these should be dealt with on a case-by-case basis and should not be used as a justification for less than optimum coverage of listed events.

6. THE RESTRICTION ON FREE-TO-AIR TELEVISION BROADCASTERS BEING ABLE TO SHOW AN EVENT ON THE ANTI SIPHONING LIST EXCLUSIVELY ON THEIR DIGITAL MULTI-CHANNELS

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

The restriction should remain in place.

By 2013 all Australian homes will have access to digital television. Until 100 per cent penetration of digital television in Australian homes is achieved this should not be used as a reason to abolish the prohibition on premiering listed events on digital multichannels by free-to-air television.

There is no reason to suggest digital uptake, currently at 53 per cent, will not be at 100 per cent by 2013. If an event is not worthy of being on a primary free-to-air channel, then it is not an event of national importance and cultural significance.

Any migration of listed events from free-to-air television's analogue main channels to the digital multichannels is counterintuitive to the objective of the Scheme given only 53 per cent of households currently have access to digital television and fewer still have access to high definition television. The public will not be served by allowing sport to migrate to the

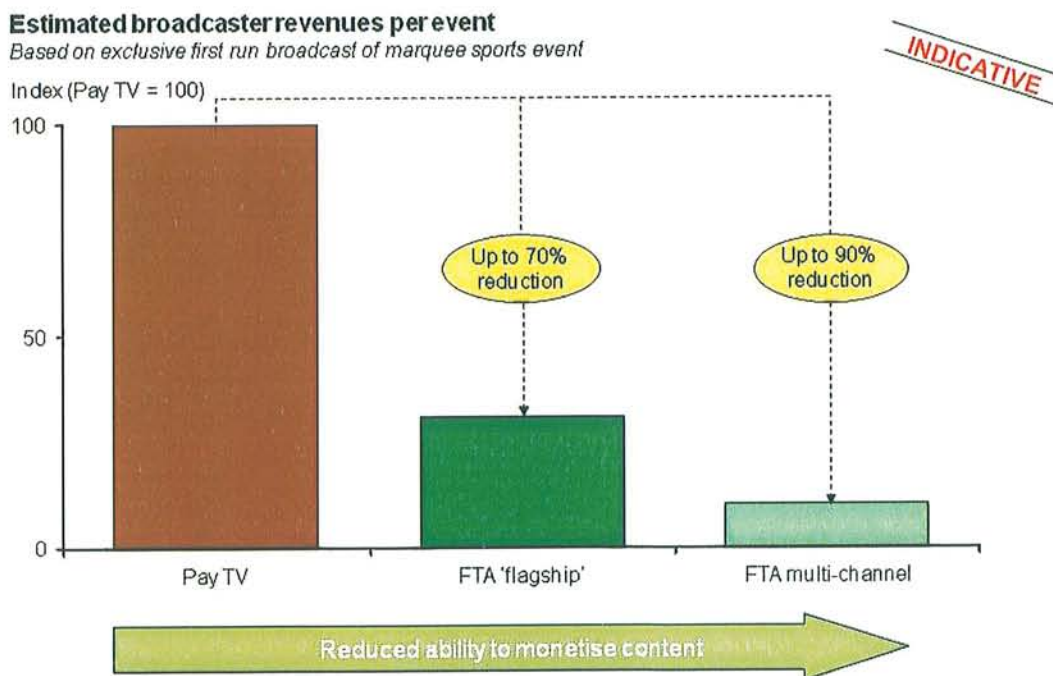
digital multichannels prior to analogue switch off. Until penetration of digital and high definition television reaches the mark currently met by free-to-air analogue television no such allowance should be made to the free-to-air television industry.

Research conducted by L.E.K Consulting Pty Ltd on behalf of the Coalition of Major Professional Sports (COMPS) indicates that any expansion of the number of events on the List will lead to more sport on free-to-air television only where those events are able to be broadcast on a free-to-air television network's digital multichannels.

The free-to-air television networks cannot support additional sports coverage on their main channels without displacing non-sports and in most cases higher rating programming. The ACMA's reports make it clear that free-to-air television has not during the life of the current List materially increased or varied its coverage of listed events.

Enabling the migration of premium sports content from free-to-air television's main channels to digital multichannels has the significant impact of further eroding the sport governing bodies' ability to achieve fair market value for sports broadcast rights.

Television audiences in the free-to-air sector will become further fragmented resulting in reduced advertising revenues for the sector. This, the additional cost of producing and acquiring content for and operating multiple channels will erode the ability and willingness of the free-to-air television sector to pay fair market value for sports rights. The relative ability of the Australian television platforms, including the digital multichannels, to monetise premium sports content is illustrated by the following:



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⁵ *Impact of Potential Changes to Anti-siphoning Policy*, L.E.K Consulting Pty Ltd. Commissioned by the Coalition of Major Professional Sports, 17 April 2009

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

Until penetration of digital and high definition television reaches the mark currently met by free-to-air analogue television no such allowance should be made to the free-to-air television industry. Digital channels may present opportunities to screen simultaneous events but there are other opportunities for sport governing bodies to do this, for example, online. Multichannelling is not taking the event to the highest possible audience (at present) so should not be a consideration.

Another option to ensure the greatest number of viewers have access to coverage of listed events where premiering of listed events on digital multichannels is permitted is to require a free-to-air television broadcaster to actively seek to divest itself of the live rights in regions where it does not intend to broadcast a listed event live and in-full or where there is no intention to provide any live coverage on either the main channel or digital multichannel by offering those rights on reasonable terms and within an agreed timeframe to the ABC, SBS and subscription television concurrently.

Such a model is particularly useful for multi-part, simultaneous events such that their less valuable content, for example, the non-marquee events held as part of an Olympic Games, will receive broadcast coverage on television (whether on the ABC, SBS or subscription television) where a free-to-air television broadcaster does not intend to cover those events. This will result in more sport on television across all platforms for the viewer and no erosion of the amount of coverage of premium sport content on free-to-air television.

Such a model will obviously fragment audiences somewhat and have an impact on the free-to-air television business model. The Government must therefore decide its priorities with respect to the Scheme or be creative and fair in establishing any revised Scheme.

7. COVERAGE OF SPORTS ON NEW MEDIA PLATFORMS

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

While internet users are spending more time online, this is having a negligible effect on their television viewing habits. Mobile phone use has also increased however mobile TV makes up only a small percentage (around 11 per cent in 2007) of the total use of all functionality of the majority of handsets.⁶

There has been a statistically insignificant downturn in the number of hours dedicated to television viewing however notwithstanding this downturn new media platforms are clearly complementing television coverage to the extent that consumers of new media tend to be using or engaging with more than one platform across old and new media simultaneously, for example, consumers are online or using their mobile handsets (or using both) at the same time that they are watching television.

Supporting this point is the case study of the NBC's coverage of the 2008 Beijing Olympics. The NBC offering included traditional television broadcast coverage complemented by online packages of on-demand content. NBC did not experience any cannibalisation of its

⁶ *The Australian Internet and Technology Report Edition 10*, Nielsen Online, February 2008

television viewing numbers from the provision of the online content nor did NBC experience consumers turning away from its television coverage due to reaching saturation point in terms of overall consumption of the Games coverage.

Cricket Australia embraces new media platforms as a legitimate means of reaching and delivering additional value to cricket fans. Our own Cricket Australia TV (CATV) provided via cricket.com.au, our YouTube channel and our social media initiatives, such as MyCricket, are examples of the importance we place on new media in capturing and engaging the consumer in the changing media landscape.

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

New media opens the door for sport governing bodies to actively engage fans but the Scheme, as it currently operates, has no effect on new media platforms nor is there any requirement for Government to stipulate or mandate changes when sport governing bodies know the importance of new channels and use them effectively to promote and deliver content to fans.

New media and digital content rights have for some time formed part of the package of rights offered by sport governing bodies. Many of the current deals in place for major professional sports in particular contain a new media component or solely concern mobile or internet as a separate bundle of rights. In addition, new media has presented opportunities for sport governing bodies to provide previously unavailable, repackaged and redistributed content in short and long form and new content offerings such as behind the scenes-style content to the consumer via new media platforms.