

**DEPARTMENT OF COMMUNICATIONS, INFORMATION TECHNOLOGY
AND THE ARTS**

**SUBMISSION TO SENATE INQUIRY INTO WOMEN IN SPORT AND
RECREATION IN AUSTRALIA**

The Australian sports sector is strong, reflecting the community's interest in elite performance by Australian athletes and in participating in sport as a healthy and enjoyable activity. Across the country, sport is generally administered on a 'sport runs sport' basis, with financial and other support being provided by governments at all levels.

The Department of Communications, Information Technology and the Arts (the Department) works with the Australian Sports Commission (ASC) and the Australian Sports Anti-Doping Authority (ASADA) to deliver funding and support in the areas of high-performance sport, community participation, major events, infrastructure and anti-doping, in accordance with the Australian Government's sport policy.

The Department's role is to:

- provide overarching policy advice to the Government, especially on anti-doping, sport industry development and Indigenous sport and recreation;
- manage specific programs on anti-doping research, water and alpine safety and sporting opportunities for Indigenous peoples;
- oversight the delivery of sporting infrastructure where the Australian Government has approved funding; and
- coordinate the Government's support for major sporting events, which recently included the Melbourne 2005 Deaflympics and the Melbourne 2006 Commonwealth Games.

The role of the ASC is to promote an effective national sports system that offers improved participation in quality sports activities by all Australians and helps those who are talented and motivated to reach their potential excellence in sports performance. The ASC administers and funds innovative national sporting programs on behalf of the Australian Government and provides leadership, co-ordination and support for the sport sector.

The ASC is responsible for managing the Australian Institute for Sport (AIS) – a national centre of sports excellence for the training and development of elite athletes and teams. The AIS gives athletes access to expert coaching, world-leading sports science and sports medicine services, state-of-the-art sports facilities, and opportunities for travel, work and study.

The ASC also supports the development of the Australian sport system from the grassroots community level to high performance sport, providing national sporting organisations access to advice and resources, including Government funding, policy development advice and management models, education, emerging information technologies and evaluation frameworks.

The role of ASADA is to protect Australia's sporting integrity through the elimination of doping. ASADA's anti-doping program is based on three key elements – deterrence, detection and enforcement. ASADA has responsibility for testing, education, investigation, presentation of case hearings, sanction recommendations and the development, approval and monitoring of sporting organisations' anti-doping policies.

The ASC has made a separate submission to the Senate Environment, Communications, Information Technology and the Arts Reference Committee (the Committee) in response to its inquiry into women in sport and recreation in Australia. Given the ASC's expertise, leadership and responsibilities for many of the issues raised by the Committee, the Department does not intend to provide separate information on terms of reference a, b and d.

Given the ASC's coverage of these terms of reference in its submission, the Department's submission focuses on term of reference c – the portrayal of women's sport in the media. The Broadcasting Division of the Department is responsible for providing policy and advice and contributing to the development of legislation in relation to television, radio and online content and gambling regulation.

The portrayal of women's sport in the media

The Government supports the current co-regulatory scheme that has enforceable codes of practice dealing with broadcast content provided by the *Broadcasting Services Act 1992* (BSA). One of the objects of the BSA is to “promote the availability to audiences throughout Australia of a diverse range of radio and television services offering entertainment, education and information”. However, there is no legislative requirement dealing with specific programming matters including the portrayal of women's sport.

For the commercial broadcasting industry, the BSA requires the development of commercial industry codes of practice to deal with programming matters. Codes of practice are intended to provide clear guidance to both industry and consumers as to what is required by broadcasters in each sector of the broadcasting industry. The Australian Communications and Media Authority (ACMA) is responsible for registering and administering these codes of practice.

ACMA only registers industry codes of practice if it is satisfied that they provide appropriate community safeguards, are endorsed by the majority of broadcasters in the relevant sector and that members of the public have had an adequate opportunity to comment on them.

Commercial television

In relation to commercial free-to-air television services, the Commercial Television Code of Practice has been developed by Free TV Australia and incorporates an advisory note on the portrayal of men and women. In particular, the advisory note encourages licensees to “try to achieve a better balance in the use of women and men as experts and authorities, and give more prominence to the achievements of women in areas such as sport”.

The Commercial Television Code of Practice is due to be reviewed in 2007.

National broadcasters

The national broadcasters, the Australian Broadcasting Corporation (ABC) and Special Broadcasting Service (SBS) are required by legislation to develop codes of practice relating to programming matters. Both broadcasters have sections of their codes relating to the portrayal of women in the media.

The ABC Code of Practice does not contain provisions specific to sporting broadcasts, however provides that the ABC must take care to acknowledge the diverse range of roles now performed by women and men, and states that in programs using “experts, interviewees and other talent to present opinions, program makers should ensure a gender balance of commentators and experts where possible”.

Similarly, the SBS Code of Practice aims to promote a “greater awareness of the contributions of women through programming which reflects the range of roles in which women are involved in society.”

Subscription television

The Australian Subscription Television and Radio Association (ASTRA), the industry body, representing the majority of pay TV licensees, broadcasters, narrowcasters, and suppliers of pay TV services, does not make specific reference to the coverage of women in sport.

Given the specialised nature of multichannelled programming available on subscription television services, it remains inappropriate to mandate levels of coverage of women’s sport.

Anti-siphoning

The anti-siphoning list is intended to ensure that events that audiences have traditionally been able to freely enjoy continue to be available free-to-air. International netball matches are protected under the anti-siphoning list until 2010 and is the only women’s sport listed. In a review of the operation of the anti-siphoning scheme by the then-ABA in 2001, the ABA rejected submissions calling for the finals of senior women’s basketball and the domestic netball competition to be added to the list, on the basis that interest in those events was less than that of major sports, and that it was important that sports with less economic significance be able to continue to negotiate freely with free-to-air and subscription television. The ABA noted that the Women’s National Basketball League opposed inclusion on the anti-siphoning list.

The anti-siphoning scheme does not require free-to-air coverage of listed events, but rather prevents subscription television licensees from obtaining free-to-air rights to coverage of listed events in advance of the free-to-air broadcasters. As such, the anti-siphoning scheme provides a commercial advantage to free-to-air broadcasters in competition with pay television for listed sports rights in order to provide free-to-air viewers with access to those sports. As such the regime limits the rights and therefore economically disadvantages both the rights holder and the subscription television sector. However, coverage of events that are not attractive to free-to-air broadcasters will not be influenced by anti-siphoning listing.

For sports seeking access to broadcasting, subscription television, which covers a wide range of more niche sports and caters for the needs of more specialised audiences, is likely to offer more opportunities in the short term.

Commercial radio

The Commercial Radio Industry Codes of Practice and Guidelines contain an explanatory note on the portrayal of women on commercial radio. Although this explanatory note does not specifically mention sporting coverage, it seeks to recognise that “women represent 51 per cent of the Australian population and as such are seeking fair and accurate portrayal in the media which reflects their diversity and recognises the significant and ongoing changes in women’s attitudes and their roles in society”.

Print media

The Government does not control the editorial decisions made by the print media. In particular, the Communications, Information Technology and the Arts portfolio responsibilities for media matters in Australia do not extend to the content or editorial policies of newspapers or magazines.

The Australian Press Council oversees a self-regulatory Statement of Principles for major newspapers on matters of editorial content. The Australian Journalist’s Association also has a Code of Ethics that deals with the role of journalists in promoting, among other things, fairness and respect for others.

Regulated program content

In response to the Committee’s request the following information is provided on regulated program content.

The BSA contains measures to require certain types of programming to be made available to the Australian public. Implementation of these requirements varies from legislated quotas, licence conditions, industry standards and codes, and includes the following types of programming:

Australian programming (commercial television)

Subsection 122(1) of the BSA instructs ACMA to develop standards for commercial television broadcasting licensees relating to the Australian content of programs. As such, ACMA developed the Australian Content Standard, requiring all commercial free-to-air television licensees to broadcast an annual minimum transmission quota of 55 per cent Australian programming between 6 am and midnight. In addition, there are specific minimum annual sub-quotas for Australian (adult) drama, documentary and children’s programs.

In relation to subscription television broadcasting, Division 2A of Part 7 of the BSA contains legislative requirements for expenditure on local drama programs that apply to subscription television services.

Australian programming (commercial radio)

The Australian Commercial Radio Codes of Practice developed under the BSA provide for, among other things, the broadcast of Australian music. The Codes contain quotas for Australian music generally, as well as (for the majority of commercial stations) subquotas for new Australian music, based on the predominant format of the service.

Australian children's drama

Subsection 122(1) also instructs ACMA to develop standards for commercial television broadcasting licensees relating to programs for children. ACMA subsequently developed the Children's Television Standards (CTS) to ensure that children have access to a variety of quality television programs made specifically for them. Amongst other things, the CTS requires commercial broadcasters to broadcast a minimum amount of Australian drama and non-drama programs suitable for children.

Matters of local significance (regional broadcasters)

Since 1 February 2004, commercial television broadcasters in the aggregated regional markets (regional Queensland, northern NSW, southern NSW and regional Victoria) have been required to provide minimum levels of local news and regional programming of local significance under a licence condition imposed by ACMA. In determining this licence condition, ACMA had regard to the objects of the BSA specified in section 3, specifically subsection 3(1)(g).

Captioned programming

The Australian Captioning Standards, which are contained in the *Broadcasting Services (Digital Television Standards) Regulations 2000*, came into effect on 1 January 2001. The standards require all free-to-air broadcasters in metropolitan and regional areas to provide closed captioning for programs broadcast between 6pm and 10.30pm in addition to all news and current affairs programs.