

8 August 2006

The Secretary  
Senate Environment, Communications, Information  
Technology and the Arts references Committee  
Department of the Senate  
Parliament House  
CANBERRA ACT 2600

By email: [ecita.sen@aph.gov.au](mailto:ecita.sen@aph.gov.au)

Dear Secretary

## **SENATE INQUIRY INTO WOMEN IN SPORT AND RECREATION IN AUSTRALIA**

ASTRA appreciates the opportunity to provide a brief submission to the above Senate inquiry in relation to the specific terms of reference dealing with the portrayal of women's sport in the media.

ASTRA provides this submission on behalf of all its members including the subscription television platforms and the channels which are available on these platforms. ASTRA's membership totals 58 entities, including platforms and channels, representing 50 different media and communications businesses, 20 of which are Australian owned or based in Australia. A full list of ASTRA's members can be found at [www.astra.org.au/members.asp](http://www.astra.org.au/members.asp).

### **Background**

Subscription television in Australia first launched in 1995, following changes to the broadcasting legislation in 1992 which finally allowed the introduction of new sectors of broadcasting to the Australian media market. Subscription television is still a relatively new but increasingly important competitor in the Australian television entertainment market. It has introduced new voices, new players and new outlets for Australian and international content.

Subscription television is also the major investor in Australian broadcasting in the past decade – in cable and satellite infrastructure, broadcasting systems and programming investment, in new and award winning exclusive programming and acquired programming from a range of local, independent and overseas sources.

The subscription television sector has now spent more than \$9 billion in the development of Australian television. The sector was the first to deliver digital television (as mandated via digital satellite) to the Australian consumer and continues to lead the way in delivering choice and state of the art digital television services.



This is in spite of the extraordinary competitive advantages given to the commercial television networks through such regulation as the sports anti-siphoning regime.

As at March 2006 more than 80% of Australian subscription TV households receive a digital service. The subscription television sector has announced a switch-off date for its analogue services of March 2007. There are now over 1.7million households subscribing to subscription TV in Australia. This equates to 23.6% penetration of households and 27.8% of the population.

ASTRA's concerns in relation to the coverage of sport relate principally to the anti-competitive anti-siphoning regime. ASTRA's views are well documented having been thoroughly canvassed in its numerous submissions to forums such as previous Senate Committee inquiries (including the 2001 and 2005 Senate ECITA Committee inquiry into automatic delisting), relevant ABA (now ACMA), ACCC and Productivity Commission inquiries and most recently the Digital TV Reviews and subsequent Media Options proposals.

The anti-siphoning regime established by Parliament ensures that free-to-air broadcast licensees have priority over subscription TV licensees for the acquisition of all broadcast rights (both free-to-air and subscription TV rights) to listed (sporting) events. The regime however does not require nor compel free-to-air broadcasters to show those events once acquired. The legislation gives the Minister discretion to remove an event from her anti-siphoning list where free-to-air broadcasters have chosen not to acquire an event.

ASTRA has consistently called for the anti-siphoning scheme to be abolished because it unfairly protects the free-to-air networks from competition and distorts the broadcasting market. However, ASTRA recognizes that it is the policy of both the Government and Opposition to continue to support an anti-siphoning scheme at this stage.

In these circumstances, ASTRA submits that the scheme should be reformed to better balance the interests of free-to-air and subscription television broadcasters. Most importantly, reform would benefit consumers as more sports events would be capable of being seen on television, rather than being hoarded by free-to-air television as is currently the case.

Since May 2004, ASTRA has been providing monthly monitoring reports of all free-to-air broadcast coverage of anti-siphoning listed events, both the list which has been in place since March 1994 and the revised list which takes effect from January 2006. This monitoring aims to determine exactly which and how many listed events are actually broadcast on free-to-air television in Australia. Please find attached at Appendix A, the audited results for 2005 and a summary of coverage over the last six years.

Sports channels carried on subscription television platforms in Australia include FOX SPORTS 1, FOX SPORTS 2 (and from October, FOX SPORTS 3); Fox Footy Channel; ESPN; EUROSPORT News; Sky Racing; FUEL; and at times Main Event (pay-per-view). Other channels which may include sport are A1, Aurora Community Channel, Sky News, Bloomberg et al.

ASTRA supports the submission provided by Premier Media Group (PMG), the provider of the FOX SPORTS channels, and notes the range of matters taken into consideration when scheduling particular events and programs. ASTRA also notes the examples of recent broadcast coverage of women's sporting events on these channels which provides a snapshot of women's sport currently

covered by subscription television. ESPN also broadcasts a variety of International Women's sporting events.

ASTRA would be pleased to provide any further information or clarification on comments made in this submission.

Yours sincerely

A handwritten signature in black ink that reads "Debra Richards". The signature is written in a cursive, flowing style.

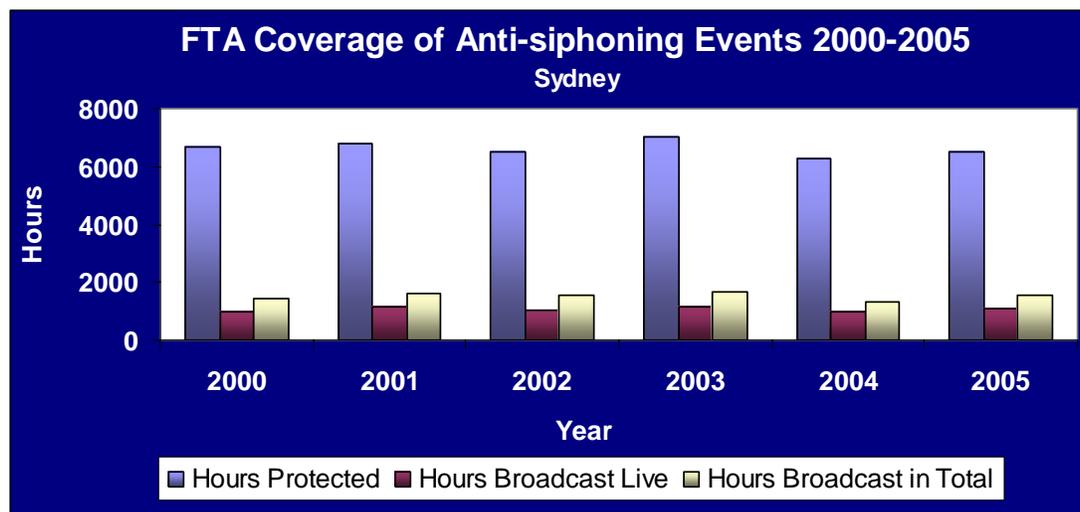
Debra Richards  
Executive Director

## NEW RESEARCH EXPOSES CHRONIC FAILURE OF SPORTS “ANTI-SIPHONING” REGULATION

New monitoring of Australia’s restrictive sports rights regulation, known as the “anti-siphoning regime”, has revealed massive underperformance over many years by the regime and the free-to-air television networks it was designed to protect.

Independently audited ASTRA research covering the 6 years from 2000 to 2005 has revealed that the entire free-to-air television (FTA) sector broadcast live an average of just 16% of the hours of sport protected for its use under anti-siphoning regulation. FTA failed to broadcast live 84% of the hours of sport protected for it under the rules.

Total sports broadcasting over the same period by FTA television - including live, delayed and highlighted coverage – averaged just 23% of the hours of sport protected for them by the regulation.



FTA Coverage of anti-siphoning events	2000	2001	2002	2003	2004	2005
Hours Protected	6660	6767	6490	6997	6288	6503
Hours Broadcast Live	950	1170	1062	1159	975	1092
Hours Broadcast Live as a % of Hours Protected	14.3%	17.3%	16.4%	16.6%	15.5%	16.8%
Hours Broadcast in Total	1428	1605	1536	1645	1349	1560
Hours Broadcast as a % of Hours Protected	21.4%	23.7%	23.7%	23.5%	21.4%	24.0%

ASTRA Executive Director Debra Richards said: “This long-term research exposes a long history of chronic failure of restrictive sports broadcasting regulation and of hoarding of sports rights by the FTA television networks.

“Australia continues to operate the most restrictive sports broadcasting regulation in the world. The rules set aside massive amounts of sport for free-to-air television, yet allow them to under-deliver in equal measure year-after-year.”

“In the 6 years to 2005, almost 40,000 hours of sports were protected by the anti-siphoning list for free to air broadcast. Unfortunately for Australian sports fans, less than a quarter of those sports were put to air by the Commercial and National Broadcasters and only 16% (6400 hours) in total were broadcast live.

“Clearly, the anti-siphoning list has had the opposite effect of its stated intention – rather than protecting Australians ability to see sports it has prevented Australians from seeing certain sports and events by putting anti-competitive restraints on subscription television’s access to that sport – and is in urgent need of reform,” she said.

ASTRA has proposed the immediate introduction of a “use-it-or-lose-it” regime to ensure hoarding of sports rights by the FTA television networks does not occur. The “use-it-or-lose it” regime is supported by both the Government and the Opposition and ASTRA has called on the Government to now urgently implement it to ensure Australian consumers do not continue to miss out on seeing live sport on television.

End

**About ASTRA**

ASTRA represents the major subscription television providers AUSTAR, FOXTEL & OPTUS and the many channels that provide services on these platforms.