



**Submission by
Free TV Australia Limited**

Department of Broadband,
Communications and the Digital Economy

Sport on television: A review of the
anti-siphoning scheme in the contemporary
digital environment

16 October 2009



TABLE OF CONTENTS

1	EXECUTIVE SUMMARY	1
2	INTRODUCTION.....	2
3	THE PURPOSE OF THE ANTI-SIPHONING SCHEME AND ITS IMPACTS.....	4
3.1	PURPOSE AND ONGOING RELEVANCE OF THE ANTI-SIPHONING SCHEME	4
3.2	IMPACT OF THE SCHEME	6
3.2.1	Impact of the scheme on stakeholders	6
3.2.2	The likely impact of removing regulatory protections	7
3.2.3	International experience.....	8
4	THE APPROPRIATENESS OF THE EVENTS ON THE ANTI-SIPHONING LIST AND THEIR RATIONALE FOR INCLUSION.....	10
4.1	THE CURRENT ANTI-SIPHONING LIST	10
4.2	CRITERIA FOR LISTING AN EVENT.....	12
5	THE DURATION OF THE ANTI-SIPHONING LIST.....	13
6	THE APPROPRIATENESS OF THE CURRENT AUTOMATIC DE-LISTING ARRANGEMENTS	13
7	SCHEDULING AND COVERAGE OF EVENTS ON THE ANTI-SIPHONING LIST.....	14
7.1	SCHEDULING REQUIREMENTS	14
7.2	USAGE OF RIGHTS ACQUIRED THROUGH THE ANTI-SIPHONING SCHEME.....	15
7.2.1	The Free TV coverage study	17
8	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.....	19
8.1	AVAILABILITY OF MULTI-CHANNELS.....	19
8.2	IMPACT OF LIFTING THE RESTRICTIONS	20
9	COVERAGE OF SPORTS ON NEW MEDIA PLATFORMS.....	21
10	OTHER ISSUES	22
10.1	LOOPHOLE.....	22
11	CONCLUSION	23
12	APPENDIX A – ANTI-SIPHONING EVENT COVERAGE	24
13	APPENDIX B – TELEVISION RATINGS	26
14	APPENDIX C – KEEP SPORT FREE PETITION	31
15	APPENDIX D – KEEP SPORT FREE CAMPAIGN - SAMPLE FEEDBACK.....	32

1 Executive Summary

- The underlying principles of the anti-siphoning list remain sound -*all* Australians should be able to see major sporting events for free.
- This public policy principle remains as relevant and valid in the digital age as it was when the scheme was first introduced. Seventy per cent of viewers cannot afford or choose not to pay to watch sport on television.
- The list continues to achieve its public policy objectives and should be retained in its current form. The list should be extended until at least 2020.
- The move from analogue to digital does not change the basic premise that all Australians should be able to see major sporting events for free.
- Allowing listed sport on free-to-view digital multi-channels will ensure more sport on Australian television.
- It will deliver increased choice for viewers and will drive take-up of digital TV.
- Contrary to the pay TV industry's claims, independent monitoring has shown that Free TV broadcasters do not hoard sport. Commercial free to air broadcasters use the listed sport they acquire and anything else is available to pay TV.
- Claims that there are over 1300 events listed are misleading. In fact, 838 of those "events" comprise individual matches in the Australian Open and Wimbledon tennis tournaments. Of those, half are not captured on video by the host broadcaster and therefore cannot be broadcast by anyone. NRL and AFL matches make up a further 381 "events" and V8 Supercar races a further 38, giving a total of 1257 of the 1334 "events".
- The public interest in free access to coverage of major sporting events outweighs the claimed impact of the anti-siphoning scheme on Foxtel, Austar and Fox Sports, who have built highly profitable businesses regardless of the operation of the scheme.
- Any relaxation of the current protections will result in less sport on free to air television. International experience proves that major sporting events migrate to pay TV once regulatory protections are removed.
- The anti-siphoning framework must be amended to ensure that major sporting events cannot be siphoned exclusively to new platforms such as IPTV.
- This is the very outcome the anti-siphoning scheme seeks to prevent.
- The Government must close the loophole in the scheme which currently allows pay TV channels to acquire rights to listed sports before free to air broadcasters have been given a reasonable opportunity to acquire those rights.

2 Introduction

Free TV Australia represents all of Australia's commercial free to air television broadcasters. Free to air television services currently reach over 99% of the Australian population. Free TV welcomes the review of the anti-siphoning scheme and in particular its focus on the changing digital media environment. We welcome the Government's commitment to "ensuring that sporting events of cultural significance and national importance can be made freely available to the Australian public."¹

The scheme was established in 1994 to ensure that with the introduction of pay TV, Australians could continue to have access to important events on free to air television and that these events would not migrate exclusively to pay TV.

The underlying principles of the anti-siphoning list remain sound – that *all* Australians should be able to see major sporting events for free. We believe the list continues to work well and should be retained in its current form.

Seventy per cent of viewers cannot afford or choose not to pay to watch sport on television. The anti-siphoning list ensures that all Australians are able to enjoy these sports, not just the small proportion who choose to pay up to \$135 per month for subscription television.

The popularity of sport on free to air television has not diminished, reaffirming the ongoing relevance of the scheme. During the 2008 Beijing Olympics, 17.2 million people watched all or part of the free to air coverage. 3.4 million Australians saw the first match of the 2009 rugby league State of Origin on free to air television and 3.8 million people watched the 2009 AFL Grand Final on free to air.

These high viewer numbers provide clear evidence that sport on free to air television continues to be highly valued by Australian viewers.

Australians have directly demonstrated their support for the anti-siphoning rules through Free TV's Keep Sport Free campaign, with over 60,000 signing the online petition to keep sport free.

The public interest in free access to coverage of major sporting events continues to outweigh the claimed impact of the scheme on the pay TV industry. The very strong financial results of the pay TV industry and Fox Sports in particular, underline the fact that the anti-siphoning rules, whilst preserving a core Australian value, have not damaged the industry financially.

International experience clearly shows that any move to relax the anti-siphoning scheme would undoubtedly result in a reduction in the amount of sport on free to air television.

The pay TV industry continues to misrepresent the anti-siphoning scheme in an effort to force Australian families to pay to watch major sporting events. Contrary to pay TV's claims, independent monitoring by the broadcasting regulator has confirmed there is no hoarding of sport on free to air television. Free to air broadcasters show the majority of the events they acquire and anything else is available to pay TV. Free TV's analysis of sport broadcast in 2007 shows that commercial FTA broadcasters do not hoard the rights to events on the anti-siphoning list, showing 86% of the events to which they held exclusive rights. Everything else was available to pay TV. Excluding multi-round simultaneous tennis events such as the Australian Open and Wimbledon tournaments, that figure rises to 96%.

¹ Discussion paper, p 4

There is also no evidence of the claimed negative impact on sports rights holders. Whilst the list has been in operation, sports rights agreements have risen in value. In some cases, such as the AFL, the increase in rights payments has reached record sums and further increases are expected.² For example, the most recent AFL broadcast deal was worth \$780 million and the most recent NRL deal was worth over \$500 million.

Whilst the fundamentals of the anti-siphoning scheme remain sound, the review of the list provides the opportunity to adapt the rules to the digital age, by increasing the public's opportunity to view major sports by showing some of the sport we already have on free-to-view digital multi-channels.

As Australia moves towards analogue switch-off, there is no justification for any restriction on the ability of free to air broadcasters to show more free sport on multi-channels. Removal of these restrictions is in the public interest as it would deliver diversity and choice while helping the government to drive take-up of digital television in Australia, at no extra cost to the Government or consumers.

Free TV welcomes the Discussion Paper's focus on the potential impact of new subscription-based entertainment services on the anti-siphoning scheme. There is a strong possibility that the emergence of IPTV services and other subscription content services will create the same potential for the siphoning of major sporting events as arose out of the introduction of pay TV in 1994.

The purchase of exclusive online rights to sporting events has broader implications for competition in content services delivered via the National Broadband Network (NBN). If a single player was able to exclusively purchase premium sports broadcast rights they could bundle access to these sports with other services to lock in consumers to their service.

The anti-siphoning scheme as presently drafted would not prevent this. This is a potential regulatory loophole which should be addressed as soon as possible.

Free TV also calls on the Government to close the loophole in the rules to ensure that pay TV channels cannot acquire rights to listed sports before free to air broadcasters have been given a reasonable opportunity to acquire the rights.

This submission is structured to address the Key Issues set out on page 25 of the Department of Broadband, Communications and the Digital Economy's Discussion Paper, namely:

Section 3 – addresses the purpose and ongoing relevance of the anti-siphoning scheme

Section 4 – addresses the appropriateness of the current list of events

Section 5 – addresses the duration of the next list

Section 6 – addresses the automatic delisting provisions

Section 7 – addresses coverage of listed sporting events and the inappropriateness of scheduling requirements

Section 8 – addresses the current restrictions on the broadcast of listed events on digital multi-channels

Section 9 – addresses coverage of sports on new media platforms

² <http://www.news.com.au/adelaidenow/sport/afl/story/0,26547,26138875-5016212,00.html> Viewed 29 September 2009.

3 The purpose of the anti-siphoning scheme and its impacts

- *What purpose should the anti-siphoning scheme have?*
- *What is the best way to ensure that nationally important and culturally significant sports are shown on free to air television?*
- *What impacts does the anti-siphoning scheme have on sports rights holders and the business models of free to air and subscription television?*

3.1 Purpose and ongoing relevance of the anti-siphoning scheme

The public policy principle underpinning the anti-siphoning list is that there is a public interest in ensuring that nationally significant sporting events remain available free of charge for all Australians to watch. This recognises that nationally significant sporting events play an important role in Australia's cultural and social life and that Australians should not be denied access to these events based on their inability to afford the high cost of pay television services.

The intended operation of the scheme was set out clearly in the Explanatory Memorandum to the anti-siphoning provisions: "This process should ensure, on equity grounds, that Australians will continue to have free access to important events. It will, however, also allow subscription television broadcasters to negotiate subsequent rights to complementary, or more detailed, coverage of events."³

In practice the operation of the scheme has successfully achieved this outcome. Australians have continued to have access to major sport on free to air television and complementary coverage is available to those who choose to pay.

This public policy principle remains as relevant and valid today as it was when the scheme was first introduced.

While the penetration of pay TV has risen since the list was introduced, it remains relatively low with only a third of all Australians choosing to pay or able to pay up to \$135 per month for the subscription service.

Sport channels come at a premium cost – they are not part of Foxtel's basic package. Many high profile events are subject to an additional payment by subscribers. For example subscribers who wish to see the Winter Olympic Games in Vancouver next February will have to pay an additional charge of \$65 for a season pass for two weeks⁴. And there is no limit on the cost of pay TV packages being increased in the future.

Pay TV is generally regarded as a discretionary expense for the family budget which is already stretched by other financial pressures. Fourteen years after the introduction of pay TV, it is clear that the majority of Australian families rely heavily on free to air television and will continue to do so.

By comparison, free to air television services reach more than 99 per cent of Australians. These services are provided free of charge.

³ Explanatory Memorandum to the *Broadcasting Services Bill* 1992, clause 115

⁴ TV Tonight website www.tvtonight.com.au/2009/06/50-for-foxtels-winter-olympics.html June 24 2009 viewed 16 October 2009

The move from analogue to digital does not change the basic premise that all Australians should be able to see major sporting events for free.

Indeed free to air digital television offers the opportunity for more sport to be made available to Australian families free of charge. Broadcasters are currently limited to what they can show on one channel. Removing the restriction on showing listed sports on multi-channels would allow broadcasters to expand coverage of events and also contribute to the government's objective of driving digital take-up.

The penetration of digital free to air is significantly ahead of the penetration of pay TV despite the fact that digital free to air services have been available for a shorter period of time. According to the latest figures published by the Digital Switchover Taskforce, fifty three per cent of Australians now have access to digital television, which gives them access to a range of new services free of charge.⁵ Digital penetration is expected to move much more rapidly toward 100% as Australia approaches analogue switch-off in 2013.

It should also be emphasised that the popularity of sport on free to air television has not diminished, reaffirming the ongoing importance and relevance of the anti-siphoning scheme.

This was demonstrated once again during the coverage of the 2008 Olympics. 17.2 million people watched all or part of the free to air coverage. This was the largest audience in Australian history. An average of over 11.6 million people tuned in to the free to air coverage every single day of the games. Many people watched the Olympics for the first time in High Definition.

Sports programs are consistently among the top rating of all programs on Australian television. So far this year, 12 of the top 20 programs are sport. The State of Origin (first match, pre match and post match) all rated in the top 10 programs. 3.4 million Australians saw the first match of the State of Origin on free to air television. The AFL Grand Final is consistently one of the top-rating programs on television in any year and in 2009 attracted 3.8 million viewers. The NRL Grand Final attracted an average audience of more than 3.6 million.

The high numbers of viewers attracted to free to air broadcasts of sport provides clear evidence that sport on free to air television remains highly valued by Australian viewers.

The Australian public have also provided direct evidence of the high value they place on free coverage of major sporting events through the overwhelming response to Free TV Australia's Keep Sport Free campaign. 60,267 people signed the online petition to keep sport on free to air television during the campaign (which ran from 16 September 2009 to 16 October 2009).

Data from the Keep Sport Free campaign is at [Appendix C](#). Examples of the feedback lodged on the Keep Sport Free website is at [Appendix D](#).

The underlying rationale for the anti-siphoning list remains as valid today as when the list was first introduced. The anti-siphoning list continues to deliver on its policy objective of providing access to key sporting events free of charge. There should be no change to the purpose and fundamental design of the scheme.

⁵ Digital tracker, Quarter 2 2009

3.2 Impact of the scheme

Since its introduction in 1994, the anti-siphoning scheme has consistently ensured that Australian viewers have access to high quality coverage of nationally significant sporting events for free. This is in stark contrast to countries such as the United Kingdom and New Zealand, which have fewer or no anti-siphoning protections, where many major sporting events are regularly shown exclusively on pay television.

There is no evidence of a substantial adverse impact on pay TV. But in any event, the public interest in free access to coverage of major sporting events continues to outweigh the claimed impact of the anti-siphoning rules on Foxtel, Austar and Fox Sports.

Foxtel's direct subscriber base grew to 1,449,000 as at 31 December 2008, an increase of 7% on the prior corresponding period. Including wholesale customers, Foxtel's subscriber base has now reached 1,591,000. Despite the tough economic conditions created by the global financial crisis, Foxtel's total revenue for the first half of this financial year was \$908 million, up 12.8% for the same period last year. EBITDA was up 18.5% to \$192 million. The Fox Sports group of channels (Premier Media Group) recorded revenues of \$209 million, up 14.5% and EBITDA of \$81.5 million (up 37%).⁶

Regional pay TV provider Austar recently reported an 8% increase in revenue to \$331 million, a 13% increase in EBIDTA to \$115 million and a rise in subscribers of 8,449 to 728,719.⁷

The very strong financial results of these businesses underlines the fact that the anti-siphoning rules, whilst preserving a core Australian value, have not prevented the growth of pay TV or coverage of listed events on pay TV. The results show pay TV can easily operate within the confines of the rules.

3.2.1 Impact of the scheme on stakeholders

As noted in the Discussion Paper, the anti-siphoning scheme affects the ability of pay TV to participate in rights negotiations. However, this is a necessary function of the way the scheme meets its objectives. Free to air broadcasters are provided with priority access to the rights to listed events as a means of meeting the scheme's objectives of ensuring free to air coverage of listed events. It has been recognised by successive governments that the public policy objectives of the scheme outweigh any such impacts.

In any event, these impacts are not substantive. There is considerable competitive tension amongst free to air broadcasters for the purchase of rights and the value of rights continues to grow. In some cases such as the AFL and the Olympics the increase in rights payments have been significant. The current AFL deal was a sports rights record payment and the AFL has already indicated the potential for a substantial increase in the next rights negotiation.

⁶ Refer to 1H09 Results for Consolidated Media Holdings - <http://www.pbl.com.au/Images/Document/CMH%20RESULTS%20PRESENTATION%201H09.pdf>.

⁷ Austar United Communications Limited (AUN) – First Half Year results 2009

This refutes the pay TV operators' claim that the anti-siphoning list has the unintended consequence of harming sporting organisations.

Furthermore, pay TV's claim that the scheme excludes them from negotiations for sports rights is not borne out by recent examples. Due to the operation of the loophole (refer to section 10 of the submission), pay TV operators are able to participate in rights negotiations for listed events.

Pay television companies have jointly bid for rights with a free to air broadcasters, as was the case when Foxtel and the Nine Network submitted a joint bid for the 2008-2012 AFL rights for \$780 million, which the Seven Network and Network Ten chose to match. Rights to half of the AFL games have been acquired by Foxtel and are only available to viewers who are prepared to pay.

During the last round of negotiations with the NRL, pay TV secured the rights to more matches than the Nine Network. Of the eight games played in a round, Foxtel has acquired the rights to five games while Channel 9 acquired the rights to only three games per round.

The rights to the 2010 Commonwealth Games are also being shared by Network Ten and Foxtel. Under this arrangement, Network Ten and Foxtel will share all broadcast rights, allowing both to broadcast simultaneous live coverage of all sporting events (Ten will hold exclusive live rights to the opening and closing ceremonies). Each broadcaster is free to choose which events it wishes to show. Ironically, due to the restrictions on broadcasting anti-siphoning sport on digital free to air multi-channels, Foxtel will be able to show multiple events simultaneously while Network Ten will be restricted to showing the same event on each of its channels.

3.2.2 The likely impact of removing regulatory protections

Without the protections of the anti-siphoning list, there can be no doubt that major sporting events would migrate exclusively to pay TV, with a detrimental impact on viewer access to listed events. It would result in an overall reduction in viewer access to those events, while forcing viewers to pay for access. Whereas the highest rating sport event on free-to-air television in 2009 was watched by an average of over 3.8 million viewers, the highest rating sport event on pay TV in 2009 averaged just 431,000 people (World Cup Qualifier: Australia v Uzbekistan).

International experience clearly contradicts the PC's claims that de-listed sport would stay on free to air television and shows that major sporting events migrate to pay TV once regulatory protections are removed. Further comment on the overseas experience is made in Section 3.2.4.

Free TV is aware of claims that the impact of the list is too great to justify its ongoing existence and that regulatory intervention is not required in order to keep sport free.

In its Annual Review of Regulatory Burdens on Business, the Productivity Commission (PC) asserted that free to air operators are in a strong position to acquire the rights to broadcast sports with wide public appeal. The PC claimed that the free to air broadcasters would acquire the rights on the basis of their higher revenue than pay TV without the protection of the anti-siphoning regime.

It is not correct to say that free to air TV has a greater capacity to pay than pay TV. The business models for pay TV and free to air TV are inherently different. Free TV relies solely on advertising revenue to fund programs. Advertising revenue available to fund rights acquisitions by free to air broadcasters is directly linked to the likely audience for each particular program.

Pay TV has both subscriber revenue and advertising revenue to draw on to fund rights acquisitions. The PC overlooked this fact and notes that the “advertising revenues for free to air stations are likely to be greater than the primarily subscription based revenues that subscription television operators could achieve.”⁸

As noted above, Foxtel’s total revenue for the first half of this financial year was \$908 million, up 12.8% for the same period last year. EBITDA was 18.5% to \$192 million. The Fox Sports group of channels (Premier Media Group) recorded revenues of \$209 million, up 14.5% and EBITDA of \$81.5 million (up 37%).⁹

Regional pay TV provider Austar recently reported an 8% increase in revenue to \$331 million, a 13% increase in EBITDA to \$115 million and a rise in subscribers of 8,449 to 728,719.¹⁰

Pay TV’s available revenue stream includes subscription revenue which is constant over the life of the subscriber’s contract irrespective of what the viewer is watching on pay TV. The pay TV model allows operators to monetise this revenue across all channels and for all programs. Sport programs generate more revenue on a per user basis for pay TV than on free to air television. This enables pay TV to pay more for sports rights. This, combined with pay TV’s ability to use sports rights as a loss leader to drive subscription uptake (refer to 3.2.4 below), considerably strengthens their negotiating position.

John Porter, Austar Chief Executive confirmed this at the release of Austar’s figures for the first half of 2009.

‘We’re not as reliant on cyclical advertising revenues as our colleagues in the broadcast industry or in traditional media,’ Mr Porter said.

‘We have a large base of subscription customers who are largely quite happy with our service and continue to pay us month in, month out.’¹¹

This model places the pay TV networks in a very strong bargaining position and refutes the claimed impact of the anti-siphoning scheme on pay TV.

3.2.3 International experience

As noted above, major sporting events would migrate exclusively to pay TV without the current regulatory protections, as evident from international experience.

⁸ Annual Review of Regulatory Burdens on Business: Social and Economic Infrastructure Service – Draft Report June 2009, page 127.

⁹ Refer to 1H09 Results for Consolidated Media Holdings - <http://www.pbl.com.au/Images/Document/CMH%20RESULTS%20PRESENTATION%201H09.pdf>.

¹⁰ Austar United Communications Limited (AUN) – First Half Year results 2009

¹¹ http://bigpondnews.com/articles/Technology/2009/08/02/Pay_TV_no_longer_a_luxury_358452.html

In 1998 Test Match cricket in England was removed from the UK's anti-siphoning list, despite assurances a substantial amount of live cricket would still be available on free to air television.¹² Despite this, pay TV successfully outbid the free to air networks for the rights to English Test Cricket between 2006 and 2009 in the first rights negotiation following the delisting. This meant there has been no live coverage (only 1-hour packages of delayed highlights) to those people without pay TV. Pay TV broadcaster Sky comfortably outbid the previous broadcaster, Channel 4. Sky was able to pay more "because it believes that having the exclusive cricket rights will help to persuade people to pay for its service."¹³

This is a clear demonstration of the loss-leading approach pay TV is likely to apply in negotiations for any delisted events in Australia, an approach which is highly likely to result in pay TV outbidding any competing free to air network.

For UK viewers of the 2009 home Ashes series, "not one second of live televised action has been available to anyone who has not paid a subscription to BSkyB".¹⁴

It is important to note that this has led to significantly fewer people having access to coverage of Test Cricket in England. Audience numbers for the 2009 Ashes series were considerably lower than for the 2005 series, the last to be shown on free to air television in England. During the third, fourth and fifth tests in 2005, audience numbers reached 7.48 million, 8.2 million and 7.2 million people respectively.¹⁵

By contrast, the average audience on a typical day of Sky's coverage of the 2009 series did not exceed 1 million viewers. For example, during the second test of the 2009 Ashes series, live coverage of the match on Sky Sports 1 averaged 687,000 viewers on day 4 as England sought to bowl Australia out and win its first Ashes test match at Lords since 1934. The peak for the day was 698,000.¹⁶ At the peak of the series, the Fifth Test at the Oval during which England won the Ashes, the peak pay TV audience was only 1.92 million viewers.¹⁷ These audiences are only a fraction of the peak 8.2 million viewers who watched England win the Ashes in 2005.

Notably, Sky's exclusive live coverage was out-rated by free to air broadcaster Five's one-hour highlights package, which recorded 2 million viewers.

These audience numbers show that the delisting of the Ashes and subsequent rights acquisition by Sky has been detrimental to UK viewers. The English Premier League soccer is another example of the detrimental impact to viewers of a lack of regulatory protection for major sporting events. Not one single Premier League soccer match has been shown live on free to air television in 17 years despite the Premier League being one of the most important sports to the British public.

The removal of regulatory protections for English test match cricket serves as a powerful demonstration that the removal of regulatory protections leads inevitably

¹² <http://www.timesonline.co.uk/tol/news/uk/article562732.ece> Viewed 25 September 2009

¹³ <http://www.timesonline.co.uk/tol/news/uk/article562732.ece> Viewed 25 September 2009

¹⁴ Sky's limits leaves cricket's fans in the dark and grass roots cut short - <http://www.guardian.co.uk/sport/blog/2009/jul/15/test-cricket-broadcast-rights-sky/print>.

¹⁵ <http://www.guardian.co.uk/sport/blog/2009/jul/15/test-cricket-broadcast-rights-sky/print>

¹⁶ <http://www.guardian.co.uk/media/2009/jul/20/ashes-england-andrew-flintoff> Viewed 25 September 2009

¹⁷ <http://www.guardian.co.uk/media/2009/aug/24/ashes-cricket-tv-ratings> Viewed 25 September 2009

to the migration of sport to subscription television and an overall reduction in viewer access to those events.

The migration of sport in the United Kingdom was acknowledged by the Productivity Commission in its 2000 Broadcasting Inquiry.¹⁸

New Zealand does not have an anti-siphoning list and live coverage of the All Blacks rugby union test matches is only available on pay TV.

Of particular concern in New Zealand is the acquisition by Sky TV, which has deep pockets and bundled programme purchases, of Prime (a free to air operator).¹⁹ Sky recently won the rights to the London Olympics by outbidding TVNZ (who has always covered the games). Sky's use of Prime to acquire sports was viewed as an attempt to prevent the introduction of an anti-siphoning list.²⁰ The New Zealand Ministry for Culture and Heritage found there was prima-facie evidence that Sky's position could limit New Zealanders' ability to see important events.

4 The appropriateness of the events on the anti-siphoning list and their rationale for inclusion

- *Which events should be included on the anti-siphoning list and why?*
- *What criteria, if any, should there be for including an event on the anti-siphoning list?*

Free TV supports the continuation of the current list of events and the retention of the Minister's discretion as to the listing of events.

4.1 The current anti-siphoning list

The list was reviewed extensively with a revised list issued in March 2004. In the process, a number of events were removed from the list including AFL State of Origin matches; matches involving the senior Australian representative team (other than test matches); each match in the (rugby union) Hong Kong Sevens Tournament; test matches involving the Australian cricket team (unless the match is played in Australia or in the United Kingdom); each match in the French Open and US Open tennis tournaments (only singles quarter-finals, semi-finals and finals matches are included); some local tennis tournaments; the US Open golf tournament or the US Professional Golf Association (PGA) Championship; and each race in the *Federation Internationale de l'Automobile* Formula 1 Championship (Grand Prix) or in the Moto GP (500cc motorbikes) held outside Australia.

The current list now reflects only those sports consistently broadcast by free to air broadcasters and that are genuinely events of national importance.

The pay TV industry continues to distort the anti-siphoning list by claiming there are over 1300 events listed. In fact, 838 of those "events" comprise individual matches in the Australian Open and Wimbledon tennis tournaments and half of these "events" are

¹⁸ Broadcasting Inquiry Report, Report no. 11, , Productivity Commission, 3 March 2000.

http://www.pc.gov.au/data/assets/pdf_file/0003/26598/broadcst.pdf

¹⁹ Drinnan, John Media: Sky in spotlight as TV war heats up, nzherald.co.nz

²⁰ Drinna, John Prime time for a battle over TV channels, 24 November 2008, nzherald.co.nz

not available to be broadcast by anyone as the host broadcaster only provides coverage of a limited number of courts.

NRL and AFL matches make up a further 381 "events" and V8 Supercars a further 38, giving a total of 1257 of the 1334 "events".

There are 10 sports on the current list plus the Olympic and Commonwealth Games, all of which have demonstrated national importance and cultural significance and for which there has been strong audience interest and demand. Every sport on the list features strong participation by Australian teams or athletes. Some sports are especially notable for their high levels of participation by female athletes, such as swimming and netball.

To date in 2009, 33 of the top 40 highest rating programs have been sporting events. Sport programs are consistently among the top rating programs. In 2008, 19 of the top 20 programs for the year were sport. The Olympics, tennis, AFL, Rugby League State of Origin and Melbourne Cup race all secured top 10 spots. In 2007, 13 of the top 20 programs were sport (the top 10 programs were all sport), and in 2006 10 of the top 20 programs were sport.²¹

Listed Event	Popularity ²²
Olympics 2008	<ul style="list-style-type: none"> Opening ceremony watched by 3.8 million people Over 17.8 million people tuned in to watch the Olympics (88.7% of people in metro areas and 80.8% of people in regional areas)
Commonwealth Games 2006	<ul style="list-style-type: none"> Opening ceremony watched by 4.8 million people Over 17.2 million people tuned in to watch the Commonwealth Games
Melbourne Cup	<ul style="list-style-type: none"> 3.1 million people watched the 2008 Melbourne Cup race
AFL	<ul style="list-style-type: none"> The 2009 AFL season was watched by over 18.6 million people (90.4% of people in metro areas and 82.1% in regional areas) The AFL Grand Final was the most popular sporting event on television so far in 2009, with an average audience of 3.8 million
NRL	<ul style="list-style-type: none"> The 2009 NRL season was watched by over 15.9 million people (72.8% of people in metro areas and 79.5% regional areas) The NRL Grand Final was watched by an average of 3.6 million people The 2009 State of Origin series reached over 9.1 million people Game 1 of the 2009 State of Origin was the highest rating game of the series, with an average audience of 3.4 million people. This was the highest rating Game 1 since 2001.

²¹ Source: OzTAM & RegionalTAM; program ranking based on combined ratings for metro & regional; weeks 1-41 2009, Free TV channels only

²² Source: OzTAM and RegionalTAM, 5 city metro and combined aggregated markets (QLD, NNSW, SNSW, VIC & TAS), cumulative reach based on 1 min threshold; 2009 data is up to week 39 for all codes except NRL which is up to week 41 (to include the NRL Grand Final on 3 October 2009)

Rugby Union	<ul style="list-style-type: none"> • So far this year, Rugby Union has reached over 8.1 million Australians on Free TV. • The highest rating match this year was the Bledisloe Cup which was watched by an average of 765,000 viewers • The 2007 Rugby Union World Cup reached over 8.7 million viewers
Cricket	<ul style="list-style-type: none"> • The 2009 Ashes series reached over 12.8 million Australians • 6 out 10 Australians tuned in to all or part of the 2009 Ashes series • During the highest rating game of the Ashes the average audience was 1.17 million people (4th Test, Day 3, Session 1)
Soccer	<ul style="list-style-type: none"> • Coverage of the 2006 FIFA World Cup reached over 11.8 million viewers • During the highest rating game the average audience was 2.9 million people (Italy v Australia)
Tennis	<ul style="list-style-type: none"> • Coverage of the 2009 Australian Tennis Open reached over 15.3 million viewers • During the highest rating match the average audience was over 3.1 million viewers (Day 9 Night Session)
Netball	<ul style="list-style-type: none"> • The 2009 ANZ Championship reached over 9.3 million Australians
Golf	<ul style="list-style-type: none"> • The Australian Masters (November 2008) reached over 5.3 million viewers • The Australian Open (December 2008) reached over 5.3 million viewers • The British Open (highlights) reached over 1.8 million viewers
Motor Sport	<ul style="list-style-type: none"> • An average of 1.2 million people watched the 2009 Melbourne F1 Grand Prix race • Coverage of the V8 Supercars (including the Bathurst 1000) has reached over 14.5 million people • An average audience of 744,000 watched the 2007 MotoGP from Phillip Island

4.2 Criteria for listing an event

The current scheme works well and there is no identifiable need to change the listing criteria. Successive Ministers have exercised the powers in section 115 of the *Broadcasting Services Act 1992* (BSA) with reference to the underlying policy objectives of the list, with the result that the Australian public has continued to enjoy coverage of major sporting events for free. The lack of any legislated definitions or criteria has not adversely impacted on the success of the scheme.

As noted in the Discussion Paper, the underlying policy objectives make reference to events of 'national importance' and 'cultural significance', concepts which are not given legislative definition in the BSA. Concepts such as 'national importance' and 'cultural significance' are, by their nature, not conducive to quantitative measurement and any attempt to define them in legislation risks artificially limiting their meaning and would be unnecessary. It is particularly difficult with domestic competitions where, for example, the interest in an individual match may be impacted by the origin of the two teams (for

example, whether two teams from the same city are competing against each other, or if the match involves teams from different states).

Similarly, whether or not an event has been 'traditionally available' on free to air television is a straightforward assessment that needs no further legislative clarification. As noted in the Discussion Paper, an attempt to link this criteria to audience numbers or ratings data would introduce a considerable level of complexity to a relatively straightforward concept.

Successive governments have revised and refined the list with reference to the existing criteria and there is no evidence that further legislative guidance is required.

5 The duration of the anti-siphoning list

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

The current anti-siphoning list was made in 2004, came into effect on 1 January 2006 and expires at the end of 2010.

The current list should be renewed for 10 years. This will provide broadcasters, rights-holders, sporting groups and viewers with the required level of certainty regarding the continued availability of these events on free to air television.

It is also important to ensure that the next list has sufficient duration to enable it to provide practical protection of free to air sports coverage. Sports rights deals, particularly for major football codes, typically run for over 5 years. For example, the current AFL rights deal is a 5-year agreement spanning the 2007 to 2011 seasons. The renewal of that agreement is likely to take place under the current anti-siphoning list. If it is the Government's intention to continue to protect free to air coverage of AFL, the renewed anti-siphoning list will need to cover the period in which the rights are next likely to be re-negotiated.

6 The appropriateness of the current automatic de-listing arrangements

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

The current 12 week automatic delisting period remains appropriate and provides ample opportunities for pay TV to acquire the rights to events which are unlikely to be broadcast on free to air television. Free TV notes that the 12-week delisting period was introduced in 2005 (it was previously 6-weeks) at the request of the pay TV sector.

Free TV supports the existing provisions which allow the Minister to prevent the automatic delisting of an event if the Minister is of the opinion that a free to air broadcaster has not had adequate opportunity to acquire the rights. These provisions provide an important safeguard and should be retained in their current form.

7 Scheduling and coverage of events on the anti-siphoning list

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

Free TV is confident that commercial free to air broadcasters use the listed sports that they acquire and that anything else is available to pay TV. This has been confirmed through independent analysis undertaken by the broadcasting regulator, ACMA, which found no evidence that free to air broadcasters are hoarding the rights to listed events.²³

7.1 Scheduling requirements

Free TV welcomes the assessment in the Discussion Paper that “as a general rule, a system where broadcasters are encouraged to respond to the preferences of the viewing audience is likely to be superior to one where viewing times are determined by a central authority.” Free TV has consistently argued that a restrictive scheme would lack the flexibility required to deal with complex sports rights negotiations and would inevitably result in events being wrongly delisted. It is not possible to develop a simple test that fairly assesses every scenario.

Scheduling sporting events is a complex task that is affected by a number of factors.

Firstly, each sport has a unique set of contractual arrangements. Broadcasters' ability to schedule events is often limited by contractual arrangements determined by the sports rights holder. For instance, the contractual arrangements for Wimbledon and the Australian Open are different. In the case of Wimbledon the rights holder contracts a set number of games per day to the free to air broadcaster whereas in the Australian Open the free to air broadcaster only has exclusive live access to games on two courts. These games are available to pay TV upon completion of the session in which they were played. AFL, NRL and Rugby Union all have a different set of rules governing the rights negotiation and access by free to air broadcasters.

Furthermore, for domestic competitions the rights holder may prevent a broadcaster from showing an event live into the market where the event is being held if the event has not sold out.

We strongly support the Discussion Paper's conclusion that “requiring free-to-air broadcasters to show events live or at particular times would effectively add an additional condition to the rights to televise events. This may make those rights less commercially attractive to broadcasters and thereby potentially reduce the amount of sport shown on free to air television.” It may also reduce the value of those rights for sports holders and limit the rights holders' flexibility in the way they package rights.

While some proposals for 'use' criteria or scheduling requirements may sound attractive in theory, they ignore the reality of sports broadcasting. For example, national coverage rules requiring a minimum level of population exposure would put AFL coverage at risk in states with a smaller population, such as South Australia and Western Australia where viewers are able to see the games involving their local teams for free, rather than a single national game. It would also impact multi-round events such as the Australian Open and Wimbledon tennis tournaments.

²³ ACMA Anti-Siphoning Monitoring Investigation 2008 Bi-annual report to the Minister

File reference: Main Submission_Free TVAustralia

Proposals which include minimum requirements for live coverage may also jeopardise the ongoing effectiveness of the scheme. As noted in the discussion paper, live coverage is a complex issue. Whilst an extensive amount of live sports coverage is provided on free to air television each year, the aim of maximising coverage will not always be met by a true live broadcast.

In a country the size of Australia with up to five time zones depending on the time of year, it is also important to ensure that viewers in all parts of the country receive coverage at an appropriate viewing time. It can be the case that showing an event 'live' on time zone delay ensures that more people have the opportunity to watch an event compared with true live coverage, particularly where events are played on the east coast and broadcast into Western Australia. And in some sports the rights holder sees a benefit in being able to bundle events so that a full event can be seen at a convenient time for the viewer ensuring the maximum number of people are able to see it.

Furthermore, in the case of multi-round events such as major tennis tournaments and the Olympics, the current restrictions on free to air broadcasters showing listed sports on their multi-channels has meant that events such as these cannot be broadcast live and in full.

Free TV submits that the best way to increase the amount of live sport coverage is to lift the current restrictions on showing listed sport on multi-channels (refer to section 8, below).

7.2 Usage of rights acquired through the anti-siphoning scheme

Free TV has undertaken a detailed analysis of the coverage of events on the anti-siphoning list for 2007, the last full-year in which ACMA provided an annual coverage monitoring report.

This analysis clearly shows that commercial FTA broadcasters do not hoard the rights to events on the anti-siphoning list, showing 86% of the events to which they held exclusive rights. Everything else was available to pay TV. Excluding multi-round simultaneous tennis events such as the Australian Open and Wimbledon tournaments, that figure rises to 96%.

Full details of the analysis can be found at [Appendix A](#). In summary:

Listed Event	Exclusive rights held (not available to pay TV)	% Broadcast of exclusive rights held
Olympics Games	N/A Not held in 2007	N/A
Commonwealth Games	N/A Not held in 2007	N/A
Melbourne Cup	Exclusive live	100%
AFL	4 per round (22 rounds) plus 9 finals = 97 games	100%
NRL	3 per round (21 rounds), 2 per round (4 rounds) plus 9 finals = 80 games	100%

State of Origin	3 games	100%
Rugby League Test Matches	2 games	100%
Rugby Union	7 games	100%
Cricket Tests in Australia and UK	1 test	100%
Cricket ODIs in Australia and UK	CBA one-day series Jan-Feb 2007	96%
Cricket World Cup	Nine. 41 of 51 matches sub-licensed to Fox Sports	99%
FA Cup Final	N/A (rights held by SBS)	N/A
FIFA World Cup 2006	N/A Not held in 2007	N/A
FIFA World Cup 2010	N/A Not held in 2007	N/A
Australian Open Tennis	Seven held rights to 655 matches. Tennis Australia commissioned coverage of 227 of those matches. Pay TV may acquire live rights to all matches that receive coverage other than those played on Rod Laver and Vodafone arena and replay rights to every match in the tournament.	60%
Wimbledon	6 matches per day + men's and women's singles finals	50%
French Open singles quarter finals, semi finals and final	N/A No FTA rights acquired	N/A
US Open singles quarter finals, semi finals and final	8 matches (of 14 listed)	100%
Davis Cup (Australian matches)	2 matches	99%
Netball	N/A (rights held by ABC)	N/A
Australian Masters Golf	Seven acquired all available rights	57%
Australian Open Golf	Seven acquired all available rights	55%
US Masters Golf	Ten acquired broadcast rights available (limited by coverage available from host broadcaster)	100%
British Open Golf	Nine acquired all available rights	100%
Australian F1 Grand Prix	One race	100%
Australian MotoGP	One race	100%
V8 Supercars	28 races	100%

Australian IndyCar	One race	100%
TOTAL		86%

These figures, which are based on ACMA's own analysis, clearly discredit the pay TV industry's claims that FTA broadcasters are 'hoarding' the rights to listed events. FTA broadcasters show what they own and the rest is available to pay TV.

In fact, coverage arrangements for the 2007 Australian Open demonstrate that pay TV does not show all the matches which it has access to, even where that access is unrestricted (ie, available for live broadcast).

Of the 139 matches available to Fox Sports without restriction, Fox Sports only broadcast 37 live (or 27%). This compares to Seven's live broadcast of 60% of the matches available to it.

Instead, Fox Sports chose to repeat the high-profile matches which had already been broadcast on FTA television (Fox Sports re-broadcast 63% of matches which were exclusive to 7 but available to pay TV after the close of the relevant session).

2007 Australian Open	
Total matches available for broadcast	241
Matches exclusive to Seven	102
Matches available to Fox Sports without restriction	139
Total matches broadcast by Fox Sports	107
Fox Sports Broadcast:	
Of 141 available matches, Fox Sports broadcast live:	37 (27%)
Of 141 available matches, Fox Sports broadcast on delay:	6
Of 100 matches exclusive to 7, Fox Sports re-broadcast on delay:	64 (63%)

This provides clear contradiction of pay TV's claims they are interested in bringing Australians more tennis. They are primarily interested in replacing the free coverage of the most important and significant events with a broadcast the public are forced to pay for.

7.2.1 *The Free TV coverage study*

The aim of the study was to determine what percentage of exclusive rights to anti-siphoning events held by the free to air commercial broadcasters were

broadcast in a given year. 2007 was chosen as the most recent year in which ACMA collected relevant data.

This focus on what proportion of exclusive rights provides a more accurate picture of the FTA broadcasters' use of rights acquired through the list and reflects the reality that pay TV broadcasters have access to any rights not purchased by FTA broadcasters.

For example, as noted above, the Seven network held live and exclusive rights to only 102 matches of the 2007 Australian Open. A further 139 matches had camera coverage and were available to pay TV without restriction. Of these 139 matches pay TV chose to broadcast only 37 (27%) of these live and 6 on delay (source S-COMM Australia study commissioned by Free TV).

The information on hours "available" and "broadcast" was sourced from the reports lodged with ACMA by the free to air broadcasters for the Anti-siphoning Monitoring Investigations conducted by ACMA over 2006, 2007 & 2008. Some minor clarifications were sought from the individual broadcasters.

Other points to note are:

- The % broadcast of exclusive rights held for any particular event has been capped at 100% even though more hours of non exclusive rights were often broadcast.
- Tennis is a multi-round simultaneous event meaning that a number of matches may be played concurrently making broadcasting 100% of rights held impossible while the anti-siphoning rules prevent the broadcast of anti-siphoning events on free to air digital multi-channels.
- If tennis events are removed from the analysis then the % broadcast of live and exclusive rights held is 96%. This figure shows that the anti siphoning rules are working as intended and that the free to air broadcasters do not "hoard" rights.
- Golf is also a multi-round simultaneous event as a number of competitors are playing at different holes concurrently. However for the purposes of this study, 'hours available' is treated as being from the beginning of the first tee off each day to the last group finishing their final hole for the day.
- A number of events received coverage on either ABC or SBS (eg, netball and soccer). These events have been excluded from this study which concentrates on commercial free to air broadcasters only

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

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

As noted in the Discussion Paper, the existing restrictions on showing sport on free to view multi-channels were introduced in the early stages of digital television in Australia when penetration levels were low.

With digital television now in 53% of homes and digital roll-out complete in the majority of areas, the rationale for the existing restrictions is increasingly invalid as penetration of digital television is already substantially higher than pay TV. As Australia moves towards analogue switch-off in 2013, there is no justification for any restriction on the ability of free to air broadcasters to show sport on multi-channels.

Furthermore, the current restrictions can be seen as contrary to the underlying objectives of the anti-siphoning scheme, creating an anomalous situation whereby pay TV can make greater use of rights for events on the anti-siphoning list than free to air broadcasters.

Pay TV can, for example, run multiple channels of Olympics coverage whereas the free to air broadcasters are prevented from doing so. Coverage of the Olympics on free to air television is restricted to the main channel unless shown simultaneously or on delay on multi-channels. As noted in the Discussion Paper, lifting of the current restrictions would allow increased live coverage of major multi-round events such as the Olympic and Commonwealth Games, without any subscription fees. Australian viewers are well aware of the existence of free to air multi-channels and become frustrated when broadcasters do not make use of additional channels to show expanded coverage of events, particularly for multi-event tournaments such as the Commonwealth and Olympic Games.

Importantly, removing the current restrictions will deliver significant benefits to the Australian public. Allowing the broadcast on multi-channels will allow free to air networks to acquire more events and to increase their coverage on the free to air platform. This will deliver increased diversity and will act as a strong driver of digital take-up – a key policy objective for the Government and a necessary requirement before the switch-off of analogue television services can occur.

8.1 Availability of multi-channels

As noted in the Discussion Paper, the roll-out of digital multi-channels in regional areas is occurring progressively. The roll-out of digital multi-channels will continue as multi-channels are launched and as commercial agreements are reached between metropolitan broadcasters and their regional affiliates.

The ultimate widespread availability of digital multi-channels in regional areas means that regional and metropolitan viewers would be able to benefit equally from the lifting of the current restrictions.

It should be noted that the Government's switchover timetable provides for analogue switch-off to commence in regional licence areas, starting in 2010. The potential for sport on multi-channels to drive digital take-up is therefore of particular value in regional licence areas. This is especially the case in areas such as regional Victoria (51%), regional Queensland (51%) and Northern New South Wales (52%) where rates of take-up are below the national average (53%).²⁴

There will, however, be a small number of areas where not all digital multi-channels will be available in the near term, on the current terrestrial planning. These are small in number and in population covered, and are primarily the designated remote television licence areas (Remote Central and Eastern and Remote Western Australia) and certain section 38A licence areas in regional South Australia (formerly solus markets). These have long been recognised as challenging licence areas where historically, not all services have been available. The absence of all available multi-channels terrestrially in these areas should not be seen as a barrier to the lifting of the current restrictions on showing sport on multi-channels.

8.2 Impact of lifting the restrictions

The Discussion Paper notes the potential impact of lifting the current restrictions for sports rights holders and the pay television sector.

Free TV submits that the current restrictions should primarily be assessed in terms of their underlying policy rationale - that is, whether they are still necessary in light of increasing rates of digital take-up. As set out above, when considered in these terms, there is no justification for the continuation of the current restrictions.

Viewers will clearly benefit if these restrictions are limited. Allowing anti-siphoning sport to be shown on multi-channels will increase the amount of sport shown on free to air television. For example, under the current rules, a broadcaster may only show one event from the Olympics simultaneously across each of its multi-channels, irrespective of whether multiple Australian athletes are competing at the same time. This is frustrating for viewers who wish to choose for themselves which event they will watch.

Allowing events to premiere on multi-channels will also be useful where there is a clash of sporting events on a main channel, for example, where multiple live events are being shown back to back and one event runs over time. There are also instances where an event is played at a time that cannot be accommodated on a main channel but could be shown live on a multi-channel, increasing viewers' access to live events.

The current rules are also anomalous because they prevent a free to air broadcaster from replaying an event on a multi-channel that has already been broadcast by another free to air or pay TV broadcaster. For example, a broadcaster could not show an AFL match that it had not originally broadcast on its main channel in the licence area or that was shown by a different licensee in the licence area, even several days after the event. By contrast, a pay TV broadcaster operating in the market would be free to show such events on repeat.

²⁴ Digital Tracker Q2 2009

File reference: Main Submission_Free TVAustralia

Increased coverage of sporting events, and the opportunity to watch new and unique content on multi-channels, will be a strong driver for digital take-up. With analogue switch-off commencing next year in some markets, and all major regional and metropolitan markets completing switchover by 2013, it is vital that the number of analogue households converting to digital increases to prevent these households from being disenfranchised.

As sport is one of the most popular genres of programming, allowing anti-siphoning sport to be shown on digital free to air multi-channels will offer viewers a clear incentive to make the switch. Importantly, this critical driver would come at no cost to the Government or viewers. On the contrary, it will increase the value proposition for viewers of investing in digital receiving equipment.

As regards the impact on sports bodies, Free TV submits that the potential for increased coverage of sporting events on free to air television will deliver a significant benefit to sports bodies who will gain enhanced exposure for their sport. As multi channel rights are often negotiated separately lifting the restriction will create an additional market for rights holders and the ability for competing bidding between pay TV and FTA broadcasters.

As noted above in section 3.2, the pay TV industry in Australia operates profitably despite the existence of the anti-siphoning scheme. Lifting the current restrictions on sport on multi-channels would allow free to air broadcasters to make greater use of the rights they already hold. In these circumstances, there should be minimal direct impact on pay TV providers. Any such impact is unlikely to outweigh the significant public policy benefits that would flow from lifting the restrictions.

9 Coverage of sports on new media platforms

- *Does sport accessed through new media platforms replace or supplement consumers' television viewing?*
- *What effect, if any, will the provision of sports programming on new media platforms have on the anti-siphoning scheme?*

The anti-siphoning scheme was introduced in 1994, ahead of the widespread introduction of subscription television services, in response to very strong community concern that the broadcast rights to major sporting events would be exclusively acquired by subscription television.

There is a strong possibility that the emergence of new content services (such as IPTV or other video services delivered over communications networks) will create the same potential for the siphoning of major sporting events. IPTV services, for example, are predominantly subscription-based and rely on customer access to high-speed broadband. The widespread roll-out of an advertiser-funded, free-to-view IPTV model is unlikely.

For providers of subscription content services, regardless of which technological platform they provide their services on, there will be the same strong incentive towards the acquisition of exclusive sporting rights as a means of driving take-up as existed for emerging pay TV

providers. In 1996 Rupert Murdoch noted that exclusive sport is the “battering ram” of pay TV and that “sport absolutely overpowers film and everything else in the entertainment genre.”²⁵

The migration of major sporting events onto a subscription-only platform is precisely the outcome the anti-siphoning scheme seeks to prevent, yet the provisions of the scheme would not extend to services such as IPTV and could not prevent this kind of outcome as currently drafted.

This is a potential regulatory failing which should be addressed as soon as possible. The policy objectives of the anti-siphoning scheme still remain valid, with 70% of Australians unable to afford pay TV or choosing to rely exclusively on free to air television services.

As noted above in section 3.2 pay TV continues to experience strong financial results, reinforcing the fact that the public policy outcomes continue to outweigh the claimed impact on pay TV and Fox Sports. Accordingly, extending the anti-siphoning rules to IPTV providers will not prevent the development of viable business models, even where that includes sports coverage.

Where there is clear potential for a new platform to erode the effectiveness of the scheme early regulatory action should be taken. The Government has acknowledged the potential for the widespread roll-out of subscription IPTV platforms to result in the siphoning of sport.²⁶ In order to ensure the ongoing integrity of the anti-siphoning scheme, it should be immediately extended to cover new subscription platforms. The Government will need to pay careful attention to developing technologies and business models in the future to ensure the anti-siphoning scheme continues to deliver on its stated objectives.

10 Other issues

10.1 Loophole

Free TV calls on the Government to close the loophole in the rules to ensure that pay TV channels cannot acquire rights to listed sports before free to air broadcasters have been given a reasonable opportunity to acquire the rights.

The anti-siphoning list is designed so that the free to air broadcasters have the first opportunity to acquire rights to nationally significant sporting events before the events are available to pay TV. Through this process, Australian viewers are given the best opportunity available to see sport for free rather than being forced to pay for it.

The intention of the rules is that events are not to be sold to pay TV before they are sold to free to air. Yet clearly this is not achieved by the rules as they are currently drafted. For example, Fox Sports purchased rights to the 2005 Ashes series prior to any free to air broadcasters doing so and before all broadcasters had a reasonable opportunity to acquire them.

In practice it is the channel providers who bid for sports rights, not the platform operators, thus creating the loophole. The regulations covering Australian content rules on subscription television were similarly applied, but were subsequently

reviewed and amended to ensure that channel providers were regulated as well as platform operators.

²⁵ <http://www.independent.co.uk/sport/sport-is-murdochs-battering-ram-for-pay-tv-1358686.html> viewed 24 September 2009

²⁶ Discussion Paper, p 23

The scheme should be amended so that outcomes such as that which arose with the 2005 Ashes cannot be repeated.

11 Conclusion

The antisiphoning rules continue to operate in the public interest by ensuring that nationally significant sporting events remain available free of charge to all Australians. The rules recognise the important role these events play in Australia's cultural and social life.

Free-to-air television services continue to reach over 99% of Australians while 70% choose not to or cannot afford to pay for television.

No Australian is denied access to nationally significant sporting events because they are unable to afford the high cost of pay TV.

The move from analogue to digital services does not change this underlying public interest rather it provides an opportunity for the rules to be adapted to the digital age. Allowing listed sports and free-to-view digital multi-channels will deliver choice and diversity to viewers and act as a strong driver of digital take-up.

12 APPENDIX A – ANTI-SIPHONING EVENT COVERAGE

COVERAGE ANALYSIS - EXCLUSIVE RIGHTS HELD 2007

ANTISIPHONING EVENT	RIGHTS HELD BY	EXCLUSIVE RIGHTS HELD BY COMMERCIAL FREE TO AIR NETWORKS (UNAVAILABLE TO PAY)	% BROADCAST OF EXCLUSIVE RIGHTS HELD	TOTAL HOURS	
				EXCLUSIVE RIGHTS HELD	BROADCAST
Olympic Games					
1.1 Each event held as part of the Olympic Games.	N/A	Not held in 2007	N/A	-	-
Commonwealth Games					
2.1 Each event held as part of the Commonwealth Games.	N/A	Not held in 2007	N/A	-	-
Horse Racing					
3.1 Each running of the Melbourne Cup organised by the Victoria Racing Club.	7	Actual race lasts for three minutes. Seven held exclusive live & non - exclusive delayed & highlights	100%	0.05	0.05
Australian Rules Football					
4.1 Each match in the Australian Football League Premiership competition, including the Finals Series.	7 & 10	4 per round (22 rounds) plus 9 finals = 97 games although a total of 169 matches were broadcast across Australia as different states broadcast different matches. Max 100% for purposes of analysis.	100%	242.50	242.50
Rugby League Football					
5.1 Each match in the National Rugby League Premiership competition, including the Finals Series.	9	3 per round x 21 rounds + 2 per round x 4 rounds + 9 finals = 80 Games	100%	106.67	106.67
5.2 Each match in the National Rugby League State of Origin Series.	9	1.5 hrs per game x 3 games	100%	4.50	4.50
5.3 Each international rugby league "test" match involving the senior Australian representative team selected by the Australian Rugby League, whether played in Australia or overseas.	9	1.5 hrs per game x 2 tests	100%	3.00	3.00
Rugby Union Football					
6.1 Each international "test" match involving the senior Australian representative team selected by the Australian Rugby Union, whether played in Australia or overseas.	7 & 10	1.5 hrs per game x 7 tests	100%	10.50	10.50
6.2 Each match in the Rugby World Cup tournament.	10	Ten purchased non exclusive rights to 20 out of 40 pool matches and exclusive rights to 2 out of 4 quarter finals (but broadcast all 4) , the 2 semi finals, the bronze medal match and the final	100%	37.32	37.33
Cricket					
7.1 Each "test" match involving the senior Australian representative team selected by Cricket Australia played in either Australia or the United Kingdom.	9	Australia vs England in Australia on Jan07.	100%	113.13	113.13
7.2 Each one day cricket match involving the senior Australian representative team selected by Cricket Australia played in Australia or the United Kingdom.	9	CBA One Day Series in Australia in Jan & Feb 2007	96%	94.25	90.27
7.3 Each one day cricket match involving the senior Australian representative team selected by Cricket Australia played as part of a series in which at least one match of the series is played in Australia.				-	-
7.4 Each World Cup one day cricket match.	9	Nine acquired rights to all 51 matches but sub-licensed rights to 41 matches to Subscription TV (but 11 broadcast)	99%	63.93	63.12

COVERAGE ANALYSIS - EXCLUSIVE RIGHTS HELD 2007

ANTISIPHONING EVENT	RIGHTS HELD BY	EXCLUSIVE RIGHTS HELD BY COMMERCIAL FREE TO AIR NETWORKS (UNAVAILABLE TO PAY)	% BROADCAST OF EXCLUSIVE RIGHTS HELD	TOTAL HOURS	
				EXCLUSIVE RIGHTS HELD	BROADCAST
Soccer					
8.1 The English Football Association Cup final.	SBS	No Rights Acquired by Commercial Free to Air Networks (shown on SBS)	N/A	-	-
8.2 Each match in the Fédération Internationale de Football Association World Cup tournament held in 2006.		Not held in 2007	N/A	-	-
8.3 Each match in the Fédération Internationale de Football Association World Cup tournament held in 2010.		Not held in 2007	N/A	-	-
Tennis					
9.1 Each match in the Australian Open tennis tournament.	7	Seven held rights to 227 games. Pay TV may acquire live rights to all matches other than matches played on Rod Laver and Vodafone Arena	60%	187.38	111.95
9.2 Each match in the Wimbledon (the Lawn Tennis Championships) tournament.	9	Nine acquired exclusive rights to 6 matches per day and the finals of the men's and women's singles events	50%	122.65	61.13
9.3 Each match in the men's and women's singles quarter-finals, semi-finals and finals of the French Open tennis tournament.		No Rights Acquired by Commercial Free to Air Networks	N/A	-	-
9.4 Each match in the men's and women's singles quarter-finals, semi-finals and finals of the United States Open tennis tournament.	9	Nine acquired rights to final four days which amounted to 8 matches out of the 14 matches on the List	100%	16.33	16.33
9.5 Each match in each tie in the Davis Cup tennis tournament when an Australian representative team is involved.	7	Australia vs Belgium and Australia vs Serbia	99%	29.12	28.77
Netball					
10.1 Each international netball match involving the senior Australian representative team selected by the All Australian Netball Association, whether played in Australia or overseas.	ABC	No Rights Acquired by Commercial Free to Air Networks (shown on ABC)	N/A	-	-
Golf					
11.1 Each round of the Australian Masters tournament.	7	Seven acquired all available broadcast rights	57%	39.50	22.43
11.2 Each round of the Australian Open tournament.	7	Seven acquired all available broadcast rights	55%	40.00	21.80
11.3 Each round of the United States Masters tournament.	10	Ten acquired broadcast rights available which is limited by coverage available from host broadcaster.	100%	15.00	15.00
11.4 Each round of the British Open tournament.	9	Nine acquired exclusive live rights to the event as well as non-exclusive delayed and highlights rights	100%	43.42	43.42
Motor Sports					
12.1 Each race in the Fédération Internationale de l'Automobile Formula 1 World Championship (Grand Prix) held in Australia.	10	Ten acquired the exclusive live rights and non-exclusive highlights rights for the single 58 lap race.	100%	1.67	1.67
12.2 Each race in the Moto GP held in Australia.	10	Ten acquired the exclusive and non-exclusive live rights to this single multi lap race.	100%	0.75	0.75
12.3 Each race in the V8 Supercar Championship Series (including the Bathurst 1000).	7	Seven acquired all available exclusive broadcast rights covering a pool of 28 races	100%	49.00	49.00
12.4 Each race in the Champ Car World Series (IndyCar) held in Australia.	7	Seven acquired exclusive and non-exclusive delayed and highlights rights of this single 59 lap race.	100%	2.75	2.75
Broadcast as % of Exclusive Rights held			86%	1,223.42	1,046.07

13 APPENDIX B – TELEVISION RATINGS

09 & 08 Sport Highlights

- The highest rating sport event to date is: AFL Grand Final with over 3.8 million viewers (2.878 million metro viewers and 969,000 regional viewers).

Source: OzTAM & RegionalTAM, 5 city metro and combined regional markets, metro and regional audiences are added to form a combined average audience total, Weeks 1-41 2009.

- In comparison, the highest rating sports program on pay TV to date is: Live Football: World Cup Qualifier Australia V Uzbekistan with an average audience of just 431,000 viewers.

Source: OzTAM, National Pay TV Database, Weeks 1-41 2009, based on all pay tv sport channels

- Sport programs are consistently among the top ratings programs, so far this year 12 of the top 20 programs are sport. In 2008, 19 of the top 20 programs for the year were sport. In 2007, 13 of the top 20 programs were sport (the top 10 programs were ALL sport), and in 2006 10 of the top 20 programs were sport.

Source: OzTAM & RegionalTAM, 5 city metro and combined regional markets ex Tas, metro and regional audiences are added to form a combined average audience total, Weeks 1 – 52 2006 – 2008 & Week 1-41 2009, Free TV Channels only.

Olympics 2008

- The Opening Ceremony delivered an average audience of 3.8 million people (2.917 million metro viewers + 910,000 regional viewers). This was the highest rating program of the Beijing Games and for 2008.

Source: OzTAM & RegionalTAM, metro and regional audiences are added to form a combined average audience total, Weeks 1-52 2008; Free TV Channels only.

- The 2008 Olympic Games in Beijing reached over 17.8 million Australian viewers.

Source: OzTAM & RegionalTAM, 5 city metro and combined aggregated markets, cumulative reach is based on a 1 minute threshold, 7-24 August 2008

- 88.7% of people in metro markets and 80.8% people in regional areas tuned into all or part of the Beijing Olympics.

Source: OzTAM & RegionalTAM, 5 city metro and combined aggregated markets, cumulative reach is based on a 1 minute threshold; 7-24 August 2008

Commonwealth Games 2006

- The Opening Ceremony delivered an average audience of 4.8 million people (3.560 million metro viewers + 1.271 million regional viewers). This was the highest rating program of the Commonwealth Games.

Source: OzTAM & RegionalTAM, metro and regional audiences are added to form a combined average audience total, 15-26 March 2006

- The 2006 Commonwealth Games reached over 17.2 million Australian viewers.

Source: OzTAM & RegionalTAM, 5 city metro and combined aggregated markets, cumulative reach is based on a 1 minute threshold, 15-26 March 2006

Melbourne Cup

- The 2008 Melbourne Cup Race delivered an average audience of more than 3.1 million people (2.272 million metro viewers + 837,000 regional viewers).

Source: OzTAM & RegionalTAM, metro and regional audiences are added to form a combined average audience total, 4 November 2008; 6min coverage

- The day's coverage reached over 4.974 million Australian viewers.

Source: OzTAM & RegionalTAM, 5 city metro and combined aggregated markets, cumulative reach is based on a 1 minute threshold, 4 November 2008; The day's coverage includes three programs: Melbourne Cup – Early, Melbourne Cup – The Race & Melbourne Cup Late

AFL

- 90.4% of people in metro markets and 82.1% of people in regional areas tuned into an AFL game this year.

Source: OzTAM & RegionalTAM, 5 city metro and combined aggregated markets, cumulative reach is based on a 1 minute threshold; 2009 AFL Premiership series

- The 2009 AFL series reached over 18.6 million Australian viewers.

Source: OzTAM & RegionalTAM, 5 city metro and combined aggregated markets, cumulative reach is based on a 1 minute threshold; 2009 AFL Premiership series

- The AFL Grand Final delivered an average audience of 3.8 million Australian viewers. It is the highest rating sporting event year to-date.

Source: OzTAM & RegionalTAM, metro and regional audiences are added to form a combined average audience total, AFL Grand Final aired 26 September 2009

- The 2009 AFL Grand Final out-rated the 2008 and 2007 Grand Finals.

Source: OzTAM & RegionalTAM; based on average audience

NRL

- 72.8% of people in metro markets (80.7% of people on the East Coast) and 79.5% of people in regional areas tuned into an NRL game this year.

- The 2009 NRL series reached over 15.8 million Australian viewers on Free TV.

Source: OzTAM & RegionalTAM, 5 city metro and combined aggregated markets, cumulative reach is based on a 1 minute threshold; 2009 NRL Premiership series; based on Free TV Channels only

- The 2009 NRL Grand Final delivered an average audience of more than 3.6 million viewers (2.528 million metro viewers and 1.148 million regional viewers).

Source: OzTAM & RegionalTAM, metro and regional audiences are added to form a combined average audience total. , NRL Grand Final aired 4 October 2009

- The average audience for a NRL game on Free TV in 2009 is more than 1 million viewers (628,000 in metro and 395,000 regional viewers).

Source: OzTAM & RegionalTAM, metro and regional audiences are added to form a combined average audience total, Week 1 – 41 2009

- The highest rating NRL game on pay TV was: Bulldogs v Storm with an average audience of 357,000 viewers. The average audience for a NRL game on pay TV in 2009 is just 244,000 viewers.

Source: OzTAM, National Pay TV Database, 23 May 2009 and weeks 1-40 2009, based on all pay tv sport channels

- The 2009 State of Origin series reached over 9.1 million Australians.

Source: OzTAM & RegionalTAM, 5 city metro and combined aggregated markets, cumulative reach is based on a 1 minute threshold; State of Origin series aired on Wednesday 3 June, 24 June & 15 July 2009

- Game 1 of the 2009 State of Origin was the highest rating game of the series attracting an average audience of 3,478 million Australian viewers (2,322 million metro viewers + 1,156 million regional viewers). This was the highest rating game for the first match of the series since 2001.

Source: OzTAM & RegionalTAM, metro and regional audiences are added to form a combined average audience total, Game 1 aired on 3 June 2009

Rugby Union

- So far this year, Rugby Union has reached over 8.1 million Australians viewers on Free TV.

Source: OzTAM & RegionalTAM, 5 city metro and combined aggregated markets, cumulative reach is based on a 1 minute threshold.

- The highest rating rugby union game in 2009 is the Bledisloe Cup: Australia v New Zealand. The game attracted an average audience of 765,000 viewers (513,000 metro viewers + 252,000 regional viewers).

Source: OzTAM & RegionalTAM, metro and regional audiences are added to form a combined average audience total Program, Bledisloe Cup aired on 22 August 2009

- The highest rating game of the 2007 Rugby World Cup was: QF 1 Australia v England with an average audience of 1 million Australians tuning in (780,000 metro viewers + 276,000 regional viewers)

Source: OzTAM & RegionalTAM, metro and regional audiences are added to form a combined average audience total, QF Australia v England game aired on 6 October 2007

- The 2007 Rugby Union World Cup reached over 8.7 million Australian viewers.

Source: OzTAM & RegionalTAM, 5 city metro and combined aggregated markets, cumulative reach is based on a 1 minute threshold.

Cricket

- The 2009 Ashes series on SBS One reached 12.8 million Australian viewers.

Source: OzTAM & RegionalTAM, 5 city metro and combined aggregated markets, cumulative reach is based on a 1 minute threshold.

- The highest rating game of The Ashes series was: Test 4 Day 3 S1, delivering an average audience of 1.1 million viewers. (782,000 metro viewers + 388,000 regional viewers).

Source: OzTAM & RegionalTAM, metro and regional audiences are added to form a combined average audience total, Test 4 Day3 S1 aired on 9 August 2009

Soccer

- The 2006 Soccer World Cup coverage on SBS One reached over 11.8 million Australian viewers.

Source: OzTAM & RegionalTAM, 5 city metro and combined aggregated markets, cumulative reach is based on a 1 minute threshold.

- The highest rating match was: Italy v Australia, delivering an average audience of 2.9 million Australian viewers (2,208 million metro viewers + 767,000 regional viewers).

Source: OzTAM & RegionalTAM, metro and regional audiences are added to form a combined average audience total, Italy V Australia aired on 26 July 2006

Tennis

- The 2009 Australian Open reached over 15.3 million Australian viewers.

Source: OzTAM & RegionalTAM, 5 city metro and combined aggregated markets, cumulative reach is based on a 1 minute threshold.

- The highest rating game during the Tennis was Day 9 Night Session, delivering an average audience of over 3.1 million viewers. The Men's Final was the second highest rating game, attracting an average audience of 3 million viewers.

Source: OzTAM & RegionalTAM, metro and regional audiences are added to form a combined average audience total Program, Day 9 – 27th January 2009, Men's Final - 1 February 09

Netball

- The 2009 ANZ Championship series reached over 9.3 million Australian viewers.

Source: OzTAM & RegionalTAM, 5 city metro and combined aggregated markets, cumulative reach is based on a 1 minute threshold.

Golf

- The Australian Masters reached over 5.3 million Australian viewers.

Source: OzTAM & RegionalTAM, 5 city metro and combined aggregated markets, cumulative reach is based on a 1 minute threshold, November 2008

- The Australian Open reached over million 5.3 million Australian viewers.

Source: OzTAM & RegionalTAM, 5 city metro and combined aggregated markets, cumulative reach is based on a 1 minute threshold, December 2008

Motor Sports

- The highest rating Motor Sports program so far this year is: Australian FIA Formula One World Championship 2009 – Race with an average audience of more than 1.2 million Australian viewers (1.034 million viewers metro viewers + 271,000 regional viewers)

Source: OzTAM & RegionalTAM, metro and regional audiences are added to form a combined average audience total, 29 March 2009

- The Australian FIA Formula One Championship has reached over 5.9 million Australian viewers.

Source: OzTAM & RegionalTAM, 5 city metro and combined aggregated markets, cumulative reach is based on a 1 minute threshold, Weeks 1- 39 2009

- In 2008, the V8 Supercars (including Bathurst 1000) reached over 14.5 million Australian viewers

Source: OzTAM & RegionalTAM, 5 city metro and combined aggregated markets, cumulative reach is based on a 1 minute threshold. Weeks 1- 52 2008

- The 2007 MotoGP: Phillip Island delivered an average audience of 744,000 viewers (450,000 metro viewers + 295,000 regional viewers)

Source: OzTAM & RegionalTAM, metro and regional audiences are added to form a combined average audience total, 14 October 2007

Cumulative reach figures by sporting code – Metro, Regional & Combined

	Metro		Regional		Combined 000s
	000s	%	000s	%	
Olympic Games 2008	12,620,318	88.7%	5,263,036	80.8%	17,883,354
Commonwealth Games 2006	12,118,935	86.8%	5,160,494	81.3%	17,279,429
Melbourne Cup 2008	3,541,004	24.9%	1,433,079	22.0%	4,974,083
AFL Premiership 2009	13,175,220	90.4%	5,463,715	82.1%	18,638,935
NRL Premiership 2009	10,599,192	72.8%	5,291,080	79.5%	15,890,272
NRL: State of Origin 2009	6,424,979	44.1%	2,753,741	41.4%	9,178,720
Rugby Union 2009	5,278,763	36.3%	2,899,206	43.6%	8,177,969
Rugby Union: World Cup 2007	6,166,515	43.9%	2,599,631	40.4%	8,766,146
Cricket: Ashes Series 2009	8,804,722	60.5%	4,033,366	60.6%	12,838,088
Soccer: World Cup 2006	8,499,255	60.9%	3,405,097	53.6%	11,904,352
Tennis: Australian Open 2009	11,111,091	76.3%	4,273,004	64.2%	15,384,095
Netball: ANZ Championship 2009	6,983,573	48.0%	2,382,378	35.8%	9,365,951
Golf: Australian Masters 2008	3,529,973	24.8%	1,770,297	27.2%	5,300,270
Golf: Australian Open 2008	3,633,227	25.5%	1,678,262	25.8%	5,311,489
Golf: US Masters 2009	1,934,220	13.3%	837,357	12.6%	2,771,577
Golf: British Open 2009	1,284,770	8.8%	521,960	7.8%	1,806,730
Motor Sport: Australian FIA Formula One 2009	4,410,741	30.3%	1,571,660	23.6%	5,982,401
Motor Sport: V8 Supercars 2009	7,688,191	52.8%	3,140,015	47.2%	10,828,206
Motor Sport: V8 Supercars (incl Bathurst) 2008	10,219,888	71.8%	4,346,664	66.7%	14,566,552

Source: OzTAM & RegionalTAM, 5 city metro and combined aggregated markets (QLD, NNSW, SNSW, VIC & TAS), cumulative reach is based on a 1 minute threshold; 2009 data is up to Week 39 for all sport codes bar NRL which is up to Week 41 (to include The NRL Grand Final on Sun 3rd October).

Pls note:

- Olympics Games excludes any repeats, Yum Cha episodes and Heroes of Beijing
- Melbourne Cup includes the whole days coverage – 4th November 2008
- AFL excludes NAB Cup, ANZAC Test, Grand Final Breakfast, Preview and Review.
- NRL excludes City v Country Games and International games. It also excludes the Grand Final Entertainment and Presentation programs.
- NRL State of Origin excludes pre and post match programs
- The 2009 Ashes series aired on SBS ONE
- Soccer World Cup excludes highlights or review programs
- The Australian Open Tennis excludes the finals Introduction, Preview, Presentation and Interview programs
- The Nine WIN/NBN Network's only screened "highlights" of the 2009 Golf British Open (17 – 20 July 2009)
- Motor Sport – V8 Supercars excludes Entertainment, Countdown and Post Race programs
- All Repeats/ Replays have been excluded from all sporting events.

14 APPENDIX C – KEEP SPORT FREE PETITION

The Keep Sport Free campaign an online petition, website (<http://www.keepsportfree.com.au/>) with information about the anti-siphoning list and the Government's review and a series of short informational TVCs run on each of the commercial free to air networks.

Viewers were encouraged to visit the Keep Sport Free website to access more information about the anti-siphoning list. Visitors to the website were able to lodge their support for the anti-siphoning list by signing an online petition and recording their views on the issue.

State	Signed Petitions
Queensland	14749
New South Wales	16620
ACT	1399
Victoria	16578
Tasmania	1270
South Australia	4435
Western Australia	4910
Northern Territory	250
State Unspecified	52
TOTAL	59650

* There were a further 617 petitions submitted from close of business Thursday 15 October 2009 prior to 2.00pm Friday 16 October 2009.

15 APPENDIX D – KEEP SPORT FREE CAMPAIGN - SAMPLE FEEDBACK

60,267 people signed the petition on The Keep Sport Free website. Below are some examples of the comments lodged on the site.

Australia is a sport-mad country. We love it. Its an important part of our culture and should be kept as accessible for everyone as possible.

I am an invalid pensioner and I love watching ALL SPORT on TV... it is about all I have to do. I cannot and will never be able to afford PAY TV.

Don't cave in to lobbying by the Pay TV conglomerates. Aussie sports fans vote and if you reduce the sports available to free-to-air TV, sports fans will vote you out en mass.

KEEP SPORT FREE!!

Sports people and broadcasters make enough money now without rapping the public to watch sport on pay TV

An absolute tragedy if Sport is shown only on Pay TV, it should always be live on free TV and the Australian team should be available to ALL Australians to view for free, it's a right, not a privilege.

Similar to all other tv programs that aims to entertain that comes on free to air tv, sports on TV should not be exclusive to only those that could afford it.

I love sport but I am dissappointed that Ten and One are showing the same AFL matches. I would like to see One and Ten show different matches. Eg. West Coast V Hawthorn on Ten, Melbourne V Brisbane on One.

Sport is all Australians have, the extent I love sport, if it was taken off our Screens I'd leave the country.

I can't afford Pay TV, and I love my sport. KEEP IT FREE!

Sport is too important to Australians to have major coverage available only to those who have payTV.

Australia is renowned as a great sporting nation. Why stifle the next generation of sporting heros by making them pay to see their current heros on pay tv.

One HD has been the best part of the freeview initiative. Please keep sport free on non-pay TV. I will never purchase pay TV just to see more sport.

I have grown up living and breathing sport and hope that many generations to come get the opportunity I had 2 watch sport for free. Please don't take it away

The Govt. List should NOT be changed under any circumstances.

One HD will help develop many sports such as Baseball due to the increased media coverage. Please keep it free

We cannot lose free access to sport for ALL Australians

i love watching sport keep it free for many other generatons to come

Please keep Sport free to air. Please.

Sport should be free for all Australians to watch. We are a sporting nation.

Don't go the way of America and Britain by selling our top events to the highest bidder.

It's not fair to make it only for pay tv. Sport is a big part of Australia. It should be free to everyone.

Our sport should be free, not just for the rich.

There is very little I can afford to take my children to see these days they have never even been to the show please do not punish my children because I don't have money please keep sport on free tv please

I think it is ridiculous to even consider tampering with something that is doing exactly what it was put in place to do. There can be no benefit to anyone other than pay tv companies in letting them have exclusive rights to major sports

sport has always been provided to australian viewers as apart of free to air tv. wh change it now after such a long period of time, it would be criminal to take that option away from millions of viewers. leave it the way it is.

protect people who cant afford pay tv students low income earners pensioners etc would be a disgrace if major sports are not free ... they should be expanding the list to include more sports

In a climate where the government are trying to fight obesity, the removal of free to air sport for many will mean a loss of interest in sport / exercise and a loss of motivation.

I am 8 years old and I love watching football, car racing and lots of other sports on tv. Please don't take it away from us.

Keep sport free! if anything more sport should be on free to air so noone should miss important sporting events we now have a 24 hours sports channel best we use it.

I am a retiree/Pensioner & i cannot afford Pay TV, and don't see why i should miss out on viewing major sports events because of this.

Free sport 24/7 is the best thing to happen to free to air tv. I'd honestly be shattered if they got rid of it or siphoned shows. The extra free channels HD tv adds are great for people who cant afford pay tv.

Lets keep sport free so all australian can watch their sporting heroes strive for victory. It is also good for australian children to see their sporting heroes when they want to see them.

As a sports loving nation, ALL Australians should be guaranteed the right to view major sporting events free to air. It's worked in the past, why change now.

We should not have to pay to watch people play for their country. Not everyone can afford pay tv.

I simply can't afford foxtel so please keep sport free. Please

Sport should be available for everyone. How can you preach about keeping our kids healthy, and then ask us to pay when it comes time to show them good examples of exercise?

It is completely unfair to change this list, not all of us can afford pay tv, if anything you should ADD to it!!!

The New free to air sports channel is the best thing in ages, And yes sport should be for all and not just those who can afford to pay to watch it.

Help all of us who cannot afford pay TV

Keep it free forever for all Australians

There are a lot of pensioners out here who cannot afford pay tv with or without sport.

Australian sport should be free to air, Especialy when the national team is playing. The fact that we cannot watch our soccoroos play on free to air is an absolute disgrace,

I want the soccerroos back on FREE TV also a-league

Footy and all sports are too valuable to lose to pay TV... it would be so unfair to do it

Foxtel have taken too much away from us and we need to keep whatever sport we have on free to air TV

I love AFL and if I wanted to watch it on Foxtel I would have to pay for a bunch of other channels i don't want as well. So not only would the government be forcing us to pay to watch sport BUT we would have to pay for a bunch of other channels as well!!!

All afl games should be on free to air TV, sport is about the fans!!!

Sport provides more than you know to alot of people, for me, its something warm to come home too, for others it may be alot more. Keep sport free.

It's not fair that people who love sport but cant afford pay tv have to miss out because pay tv is getting rights to top sporting occasions that have originally and traditionally been available on free to air.

Foxtel is a joke, they make us pay to watch their adverts and OUR sport! Keep sport on TV free!

LEAVE SPORT ALONE!!!! If Australians have to pay to watch sport it will destroy our iconic sporting nation.

In particular Foxtel has poached many of our favourite sport programmes that we must get back!! Where is the English Premier League Football!!!

Please don't let pay T.V company's take over Australian sport!!!!!!!!!!!!!!!

I am in full support of this, and I love the channel 1 HD which is all sport. I cant get enough of my sport on TV and would hate for it to be taken away.

Australia is a great sporting nation. Why deny some of our people the chance to watch the sport we all love? That is not the Australian way. We love a battler and we love watching them win. Please enable ALL of us to watch our sportspeople triumph.

We must have sport for free! Watching sport is an uplifting thing and TV wouldn't be the same without it!

Availability of free to air sport on tv = helps produce a high level of interest in sport, especially by children, = maintaining Aussie eminence in so many international sporting events

I have Foxtel but sport shouldn't be paid for, that's not what sport is about.

Please do not let us become like the US!!!

I personally do not watch sports, but I do strongly believe that all sports should be on free to air TV. These should be free for all Australians, not just those who can afford pay TV.

Please include the A-league soccer and the socceros world cup qualifying matches.

There is a very good balance at the moment, if it aint broken don't fix it

socceros games should be free, my son misses out cause he can't go to pub to watch.

Dont end up like NZ,only way to watch major sport is to have Sky TV which is a watch of money,keep it as it is.Foxtel have 1.5 million customers,thats enough money for them.

Sport would be nothing without the fans and to take it away from those who can't afford it would create all sorts of problems, especially in areas where it is what keeps kids off the street and away from crime.

I would like free TV to have all current sports as well as perhaps try to broadcast MORE sport. Lets face facts, Fox Sports just is not up to scratch to warrant monthly payment.

Why is A-league struggling to grow in crowd numbers? There is a clear link between access to free sport and the number of people actively involved in supporting clubs. I've seen what happens in other countries. Don't let it happen here.

We have already lost to many major sporting events to Pay TV ie. A-League telecasts, I do not wish to see anymore go to pay TV.

As an Olympian I feel that sport should be available on TV for Free. The thought of paying for our children to watch Sport to motivate them to play sport is wrong to me and our family.

The Ashes in the UK was only available on sky tv this year so more than half the population was not in a position to see England win. I believe this will lead to a steady decline in the sports popularity in that country - don't let that happen here. National sports should always be kept available to the whole nation.