



Australian Government

**Department of Infrastructure, Transport,
Regional Development, Communications and the Arts**

Review of the anti-siphoning scheme

Consultation paper

October 2022



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Executive Summary

The Albanese Government committed to undertake a review of the anti-siphoning scheme in the context of the 2022 Federal Election. This consultation paper gives effect to that commitment and initiates the review.

The anti-siphoning scheme regulates the order in which the right to televise events on the *Broadcasting Services (Events) Notice (No. 1) 2010* (the anti-siphoning list) may be acquired by licensed television broadcasters.

The review will examine the role and impact of the scheme in a contemporary media environment. This will include the composition of the anti-siphoning list, noting that the current list is due to expire on 1 April 2023.

As outlined in the Explanatory Memorandum to the bill that introduced the original provisions, the objective of the scheme is to 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.”¹

The central question for this review is whether this broad objective of free access to televised coverage of important events is being met by the scheme and the anti-siphoning list in their current form, and whether changes to these regulatory arrangements are warranted.

The scheme seeks to promote the objective of free access to iconic events through free-to-air television broadcasting services – licensed commercial television broadcasters and the national broadcasters. It does so by preventing subscription television broadcasting licensees from acquiring a right to televise an event on the anti-siphoning list until a free-to-air broadcaster has acquired that right, or the event is automatically delisted (removed) from the list 4,368 hours (26 weeks) prior to it commencing.

Currently, the scheme does not require free-to-air broadcasters to acquire rights to events on the anti-siphoning list, or to televise events they do acquire. It also does not prevent free-to-air broadcasters from on-selling some or all of the rights they hold. In effect, the scheme serves to increase the likelihood of, rather than guarantee, free televised coverage of iconic and nationally important events.

The scheme also does not apply to online services, including: streaming services such as Netflix and Amazon Prime Video; dedicated Over-The-Top (OTT) sports services like Kayo Sports and Optus Sport; Broadcast Video On Demand (BVOD) services such as 9Now and 7plus; or digital platforms such as Twitter and YouTube.

While the scheme targets traditional broadcasting sectors, the market in which sporting events are televised and consumed by audiences is rapidly evolving. It is a very different market today compared with the one in existence at the time the scheme was implemented.

- Australians’ viewing options have broadened in the past decade to include online services, and viewers’ habits are changing as a result.
- Sport is one of the few genres of programming that continues to attract audiences in significant numbers, and the value of high-profile sports rights has grown exponentially over recent years.

¹ Explanatory Memorandum to Broadcasting Services Bill 1992, page 67

As the market evolves, there are questions as to the role and scope of the scheme. This consultation paper sets out a range of issues associated with the regulation of sports coverage. To this end, the paper is organised into two parts.

Part 1 of the paper describes the sports and broadcasting environment in Australia and provides relevant background to the review.

- Chapters 1 and 2 summarise, respectively, the role of sport in Australian society and the operation of the anti-siphoning scheme.
- Chapter 3 examines trends in sports coverage and consumption in Australia.

Part 2 of the paper steps through a number of specific issues that will be relevant to the review.

- Chapter 4 sets out two key threshold issues for the scheme: the policy objective of providing free access to televised coverage of important events; and the mechanism (currently the scheme and anti-siphoning list) for achieving this objective.
- Chapter 5 concerns the scheme itself and seeks views on: the potential application of the scheme to new media; the regulatory rule at the heart of the scheme; the use and disposal of rights to televise events on the anti-siphoning list; the coverage of anti-siphoning listed events; and information disclosure and gathering.
- Chapter 6 concerns the composition of the anti-siphoning list and invites comment on: the sports and events that should be listed; the construction of the list and the concept of tiers; and the delisting arrangements.

The views collated through this process will inform the Government's assessment of the operation of the existing scheme and anti-siphoning list and the consideration of potential reforms.

Make your views known

The Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the department) is seeking feedback from interested parties on the review of the anti-siphoning scheme. Comments and submissions received by the department as part of this consultation will inform the Australian Government's considerations of the need for, and nature of, reforms to the scheme and the anti-siphoning list. This review forms part of a broader program of work to modernise the regulation of media services in Australia.

Making a submission

The department is welcoming written comments and submissions on the matters outlined in this paper. Comments and submissions should be received by **5:00 PM Australian Eastern Daylight Time on Tuesday, 6 December 2022**.

Comments and submissions can be lodged by:

Website: <https://www.infrastructure.gov.au/have-your-say/>

Post: Media Reform—Online Safety, Media and Platforms Division
Department of Infrastructure, Transport, Regional Development, Communications and the Arts,
GPO Box 2154 CANBERRA ACT 2601

Comments and submissions should include the respondent's name, organisation (if applicable) and contact details.

Questions about the submission process can be directed to Media.Reform@communications.gov.au.

Publication of submissions and confidentiality

All submissions will be made publicly available by the department unless a respondent specifically requests that a submission, or a part of a submission, be kept confidential. Comments will not be published.

The department reserves the right not to publish any submission, or part of a submission, which in its view contains potentially offensive or defamatory material, or for confidentiality reasons.

The department is subject to the *Freedom of Information Act 1982* and comments and submissions may be required to be disclosed by the department in response to requests made under that Act.

PART 1: Sports and the broadcasting environment

Chapter 1: Sport in Australia

Sport is an integral part of Australian life and culture. It supports positive health outcomes at an individual and community level, contributes to social cohesion, and helps to build a sense of national pride and identity.

Most people are engaged with sport at some level, whether this be spectating, volunteering or participating.² Sport brings Australians together, no matter their ability, culture, gender or age, providing a shared identity for Australia's diverse population. We come together to play sport within our local communities and gather at stadiums around the country to support our teams and athletes.

Over 17 million Australians over 15 and 2.2 million children participate in sport or physical activity, and are supported by almost 3 million volunteers.³ Interestingly, Australians are continuing to return to sport post-COVID-19 disruptions and are engaging in a greater mix of activities.⁴

It is also an exciting time for sport in Australia. We have hosted, or are preparing to host, a number of major international sporting events, including:

- 2022 Union Cycliste Internationale (UCI) Road World Championships
- 2022 FIBA Women's Basketball World Cup
- 2022 International Cricket Council (ICC) Men's T20 World Cup
- 2022 Virtus Oceania Asia Games
- 2023 World Transplant Games
- 2023 FIFA Women's World Cup (co-hosting with New Zealand)
- 2026 Commonwealth Games (to be hosted in Regional Victoria)
- 2027 Rugby World Cup
- 2027 Netball World Cup
- 2028 ICC Men's T20 World Cup (co-hosting with New Zealand)
- 2029 Women's Rugby World Cup
- 2032 Olympic and Paralympic Games (to be hosted in Brisbane).

A number of these events are women's events and hosting them in Australia will enhance our reputation as a global leader in women's sport and improve the profile of our leading female athletes. These events are also expected to create a greater connection with sport and increase participation opportunities for women and girls.

- Research commissioned by Fox Sports in 2022 found that two-in-five adult viewers of women's sport say they have been inspired or considered playing the sport themselves after watching on television.⁵

² [AusPlay-Focus-Participation-in-Olympic-and-Paralympic-sports.pdf \(clearinghouseforsport.gov.au\)](#)

³ AusPlay National Data Table 6, 7 & 23, available at [Clearing House for Sport](#)

⁴ Clearing House for Sport (July 2022) [How Australians' participation in sport and physical activity is adapting to COVID normal](#)

⁵ Fox Sports (7 March 2022) [Huge growth of Aussie love for women's sports revealed in new research](#)

- In 2014, the number of female AFL participants was reported at 194,966.⁶ Women's AFL was first broadcast on free-to-air television in 2015, with one exhibition match shown. In 2015, the number of female participants rose to 284,501.⁷ The AFLW competition has been broadcast on free-to-air television since its inaugural season in 2017. Female AFL participation figures in 2021 reached to over 600,000.⁸
- In April 2022, Tennis Australia reported that interest in the sport had increased 343 per cent since the 2022 Australian Open in January.⁹
- Female participation in National Rugby League (NRL) is also growing rapidly, with NSW leagues recording its highest registration levels in 2022.¹⁰ The 2022 NRLW Grand Final is also reported to have attracted its highest ever audiences for both free-to-air television (up 10 percent from 2020) and BVOD (up 197 per cent from 2020).¹¹

A relationship between telecast arrangements and sports participation rates has also been seen overseas. In the United Kingdom, domestic cricket broadcast rights moved from Channel 4 to Sky in 2005.¹² The number of adults participating in the sport at least once a week dropped by almost 20 per cent over the subsequent 10 years, while weekly participation in rugby (whose two top competitions remained on free-to-air television) rose by around 7 per cent over this period.¹³ Although not the only factor at play, this example highlights that television coverage is likely to have an impact on overall participation rates for sport.

The anti-siphoning scheme and anti-siphoning list seek to enhance the benefits to health and increases in participation by supporting the wide availability of televised coverage of events of national significance.

⁶ AFL (2014) [2014-AFL-Annual-Report-min.pdf](#)

⁷ Phelan J (13 October 2015) 'Women's participation soars in 2015' AFL News

⁸ AFL (2021) [2021-AFL-Annual-Report.pdf](#)

⁹ Shorthouse J (3 April 2022) [Tennis boom across Australia as Barty, Alcott, Kyrgios and Kokkinakis success 'breeds success'](#) ABC News

¹⁰ Tu J (28 July 2022) [Female rugby league participants up by 3000 in NSW](#) Women's Agenda; NRL [Women and Girls | Community](#)

¹¹ Nine for Brands (4 October 2022) [NRL Grand Final breaks streaming records on 9Now](#)

¹² Colleypriest J (4 March 2020) [Does paywall coverage really damage grassroots participation?](#) The Underblog

¹³ Bull A (20 March 2019) [Keeping the Six Nations on free-to-air TV should not be up for debate](#) The Guardian

Chapter 2: The anti-siphoning scheme

The regulatory framework for the anti-siphoning scheme (the scheme) is established in the *Broadcasting Services Act 1992* (BSA) and came into effect in 1994.

The scheme seeks to increase the likelihood of free televised coverage of iconic and nationally important events.

The current legislative instrument made under the scheme is the *Broadcasting Services (Events) Notice (No. 1) 2010* (the anti-siphoning list).

The scheme

The anti-siphoning scheme regulates the order in which the rights to televise events on the anti-siphoning list may be acquired by television broadcasters. The scheme operates as a licence condition for subscription television broadcasting licensees,¹⁴ preventing them from acquiring the right to televise an event on the anti-siphoning list unless:

- a national broadcaster has the right to televise the event on any of its broadcasting services; or
- commercial television broadcasting licensees (excluding licensees of certain types of commercial television broadcasting licences) whose television services cover more than 50 per cent of the Australian population have a right to televise the event.

Events are automatically delisted (removed) from the anti-siphoning list 4,368 hours (26 weeks) prior to the start of the specific event.¹⁵ As outlined in the Explanatory Memorandum to the *Broadcasting Legislation Amendment (Broadcasting Reform) Bill 2017*, which amended certain aspects of the scheme, the automatic delisting arrangements seek to

“provide subscription television broadcasters with some opportunity to acquire the rights to events that free-to-air broadcasters could be considered not to be interested in acquiring if they have not done so by that time”.

The Minister may retain an event on the anti-siphoning list (overriding automatic delisting) if they are satisfied that at least one free-to-air broadcaster has not had a reasonable opportunity to acquire the right to televise the event concerned.

The Minister can also remove an event from the anti-siphoning list, separate from the automatic delisting arrangements referred above.¹⁶ The BSA provides a number of illustrative examples of the circumstance in which the Minister might exercise the power. This includes the circumstance where:

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

¹⁴ *Broadcasting Services Act 1992*, Schedule 2, Part 6, paragraph 10(1)(e)

¹⁵ *Broadcasting Services Act 1992*, Subsection 115(1AA)

¹⁶ *Broadcasting Services Act 1992*, Subsection 115(2)

The anti-siphoning scheme does not:

- require free-to-air television broadcasters to acquire the right to televise anti-siphoning listed events, or to televise the events for which they do acquire rights;
- stipulate what constitutes a ‘right to televise’ an event on the anti-siphoning list, although court cases have considered this issue to an extent;¹⁷
- prevent the on-selling of some, or all, rights to an event on the anti-siphoning list to a subscription television broadcasting licensee or any other content service provider; or
- restrict the acquisition of a right to televise an event on the anti-siphoning list by any content service provider other than the holder of a subscription television broadcasting licence.

The anti-siphoning list

A key part of the scheme is the anti-siphoning list. This is a legislative instrument made by the Minister under subsection 115(1) of the BSA. Through this instrument, the Minister may specify an event, or events of a kind, the televising of which should, in the Minister’s opinion, ‘*be available free to the general public*’.¹⁸ The current anti-siphoning list, the *Broadcasting Services (Events) Notice (No. 1) 2010*, is at Attachment B.

At present, the anti-siphoning list is comprised entirely of sporting events. The 11 sports and their associated events are summarised in Table 1.

Table 1: Sports and associated events currently included under the anti-siphoning list

Sport	Event
Olympic Games	Summer Olympics and Winter Olympics
Commonwealth Games	Commonwealth Games
Horse racing	Melbourne Cup
AFL	Premiership competition, including Finals Series
Rugby League	Premiership competition, including Finals Series; State of Origin; International Test Matches of AUS team played in Australia or New Zealand; and Rugby League World Cup matches of AUS team played in Australia, New Zealand or Papua New Guinea
Rugby Union	International Test Matches of AUS team played in Australia or New Zealand; Rugby World Cup matches of AUS team, and the Final of tournament
Cricket	Test matches of AUS team played in Australia, Test matches of AUS versus England teams played in the UK; One day matches of AUS team played in Australia; T20 matches of AUS team played in Australia; ICC World Cup

¹⁷ For example, in *Foxtel Cable Television Pty Ltd v Nine Network Australia Pty Ltd & Australian Broadcasting Authority* [1997] FCA 185 (26 March 1997), the court concluded that the effect of a contractual condition to delay the free-to-air broadcast of listed cricket matches by 7 days meant that the free-to-air broadcaster never acquired the right to televise any of the matches during the period they were on the list of declared events. The court found that it could not be said that a “national broadcaster or television broadcasting licensee has the “right to televise the event” unless that broadcaster or licensee can televise it as it happens, or as soon thereafter as is technically feasible.” Similarly, it concluded that a right limited to broadcasting one-hour of highlights could not be said to be a right to televise the event, as “the summary of a work is not the work itself”.

¹⁸ *Broadcasting Services Act 1992*, Subsection 115(1)

Sport	Event
	matches of AUS team played in Australia or New Zealand and Final played in Australia or New Zealand; ICC T20 World Cup matches of AUS team played in Australia or New Zealand and Final played in Australia or New Zealand
Soccer	FIFA World Cup matches of AUS team; FIFA World Cup final; FIFA World Cup Qualifier matches of AUS team played in Australia
Tennis	Australian Open; Davis Cup involving AUS team
Netball	Netball World Cup final or semi-final involving AUS team
Motor Sports	Australian F1 Grand Prix; Australian MotoGP; Bathurst 1000 V8 Race

The *Broadcasting Services (Events) Notice (No. 1) 2010* was due to automatically repeal (or 'sunset') on 1 April 2021. This automatic sunset arrangement after a period of 10 years is stipulated under subsection 50(1) of the *Legislation Act 2003* and applies to most legislative instruments.

In March 2021, the sunset of the anti-siphoning list was deferred until 1 April 2023 by the then Attorney-General pursuant to section 51 of the *Legislation Act 2003*.

Key changes to the anti-siphoning scheme and anti-siphoning list over time

The anti-siphoning scheme has been reviewed¹⁹ and amended a number of times since it was first introduced. The most recent reforms to the scheme, made in 2017, were intended to remove outdated and redundant provisions and streamline the anti-siphoning list. These amendments included:²⁰

- changes to the anti-siphoning list to remove all golf events, the English Football Association (FA) Cup final, and a number of international events from other sports;
- removing the rule that prevented free-to-air broadcasters from televising listed events solely on their digital multichannels, instead of telecasting the events on their main broadcast channels or simulcasting them on their respective main channels and multichannels; and
- increasing the time out from an event that events are automatically delisted (removed) from the anti-siphoning list from 12 to 26 weeks.

The anti-hoarding rules

Supporting the objectives of the anti-siphoning scheme, but operating separately to it, are the anti-hoarding rules.²¹ The anti-hoarding rules are intended to encourage free-to-air broadcasters to provide live and complete television coverage of events they have acquired rights to and to pass-on any unused portion of those rights. The BSA provides the Minister with the power to declare, by legislative instrument, an event as a 'designated event' that is subject to the anti-hoarding rules.²²

¹⁹ Independent reviews include: *Productivity Commission (2000), Broadcasting Inquiry Report*; Australian Broadcasting Authority (2001), *Investigation into Events on the Anti-Siphoning List: Report to the Minister for Communications, Information Technology and the Arts*; Productivity Commission (2009), *Annual Review of Regulatory Burdens on Business: Social and Economic Infrastructure Services*.

²⁰ Broadcasting Legislation Amendment (Broadcasting Reform) Bill 2017

²¹ *Broadcasting Services Act 1992*, Part 10A

²² *Broadcasting Services Act 1992*, Section 146C

Where the Minister designates an event to be subject to the anti-hoarding rules, commercial free-to-air television broadcasters that acquire the rights to televise the event live but do not intend to fully use the rights must offer the unused portion of those rights to the ABC and SBS for a nominal charge. If the ABC or SBS acquire the rights to a designated event but do not intend to fully use the rights, they must offer the unused portion to each other. The offer must be made 30 days or more before the start of the event, unless the Minister is satisfied that it should occur closer to the start of the event, and must remain open for at least seven days.²³

The anti-hoarding rules also provide the Minister with the power to determine when delayed televising of an event in the Central-Western time zones may be appropriate,²⁴ set out conditions for where a breach of the rules has occurred,²⁵ and other administrative aspects such as how offers to transfer rights must be made.²⁶

The anti-hoarding rules operate as a licence condition for commercial free-to-air broadcasters and a statutory requirement for the national broadcasters. However, they have been very sparsely used. Only two events have ever been designated under the framework: the 2002 and 2006 Fédération Internationale de Football Association (FIFA) World Cup tournaments.



The 2002 and 2006 FIFA World Cup tournaments are the only events to have been designated under the anti-hoarding rules. The free-to-air broadcast rights for the 2002 tournament were shared by the Nine Network and SBS, while the broadcast rights for the 2006 tournament were purchased by SBS which provided free-to-air television coverage of the event. The anti-hoarding rules were not triggered for either acquisition.

Subscription television broadcasters and online content providers are not subject to the anti-hoarding rules.

Administration and enforcement

The Australian Communications and Media Authority (ACMA) is responsible for enforcing compliance with licence conditions of broadcasters, and thus the scheme.²⁷ There have been limited circumstances where the regulator or its predecessor organisation have investigated alleged breaches of the anti-siphoning rules, including suggestions that the broadcast rights for anti-siphoning listed events have been acquired by subscription television broadcasting licensees before free-to-air broadcasters.

Complaints received by the ACMA relating to the anti-siphoning scheme generally raise concerns about events not being broadcast live, in-full, or at all. This reflects the common misconception that the rules require free-to-air broadcasters to acquire the rights to an anti-siphoning listed event or to televise an event to which they have acquired the rights.

²³ *Broadcasting Services Act 1992*, Sections 146C and 146H

²⁴ *Broadcasting Services Act 1992*, Section 146CA

²⁵ *Broadcasting Services Act 1992*, Sections 146E, 146F and 146L

²⁶ *Broadcasting Services Act 1992*, Sections 146G, 146H, 146M and 146N

²⁷ *Broadcasting Services Act 1992*, Part 10, Division 3—Action in relation to breaches by licensees and Part 11—Complaints to the ACMA

Chapter 3: Trends in sports coverage and consumption

The media landscape for sports has changed dramatically since the anti-siphoning scheme was introduced. Australian audiences have more choice from a wider range of providers, including streaming services.

Within Australia, streaming services have begun acquiring rights to sports, but have yet to exclusively acquire the rights to any events on the anti-siphoning list.

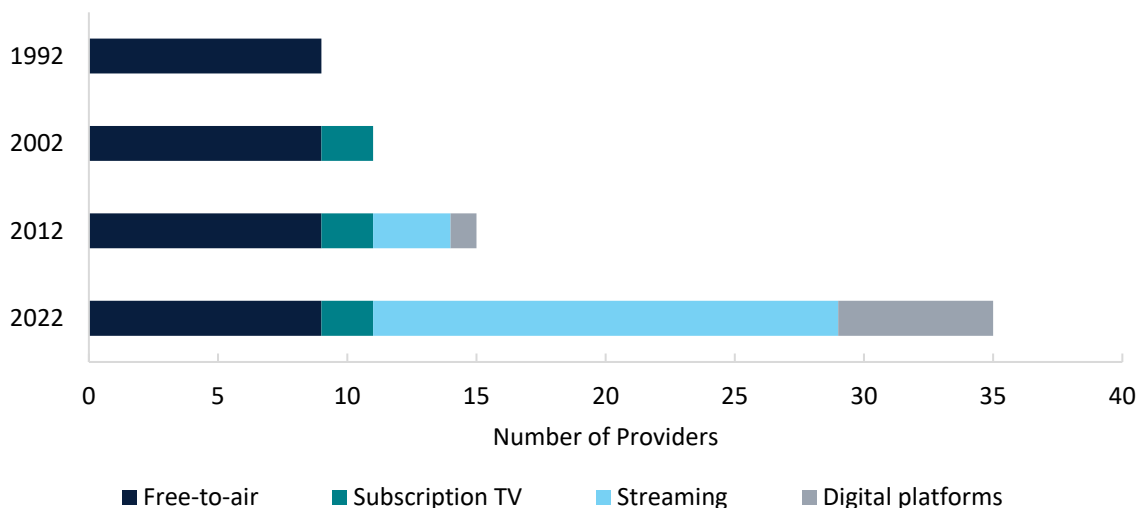
Overseas, this trend is more advanced, with streaming services acquiring rights to high profile sports such as the English Premier League (soccer), the NFL (American football) and the Indian Premier League (cricket).

Sports still attract large audiences for broadcasters and it remains an important content genre.

More providers, more choice

The media landscape in Australia has changed significantly in the years since the anti-siphoning scheme was established. For Australian audiences, the available viewing options have dramatically expanded. In 1995, television consisted of limited channels on analogue systems operated by free-to-air broadcasters and subscription television broadcasters. Since this time there has been a significant expansion in the range of television and television-like services (Figure 1).

Figure 1: Increase in viewing options for Australians – number of providers, 1992–2022



Source: Departmental assessment of service availability

While not all services provide sports coverage, many do. The range of services available to most of the Australian public today is far greater than that available in 1992 and includes:

- **Free-to-air television** including through more than 20 multichannels broadcast across the major commercial networks and their affiliates, such as 7Mate and 9Gem, and the national broadcasters. Multichannels enable free-to-air broadcasters to show sports at the same time as other high rating content on their broadcast channels. This was not possible when the anti-siphoning scheme was first introduced.
- **Subscription television channels** that have a specific focus on particular sports, such as Fox Footy, Fox Sports, Sky Racing, are available through the subscription television broadcasting ecosystem.
- **Streaming and OTT services** include streaming services such as Paramount+ and Amazon Prime Video and dedicated sports services, like Kayo Sports. Separate to multichannels, free-to-air broadcasters are also using their BVODs, such as SBS on Demand and 9Now, to provide access to sport events not broadcast on their multichannels and more specialised sports content and commentary. Some sports bodies also provide direct streaming options, such as TennisTV, the live video streaming service of the ATP Tour.
- **Mobile services** that are accessed through apps on portable devices, such as phones and tablets, can include free-to-air BVOD services as well as subscription streaming services, or may have direct links to the provision of internet or phone services, such as Optus Sport.
- **Digital platforms**, such as YouTube, make exponentially large amounts of content available daily in comparison to the hundreds of hours from free-to-air broadcasters.²⁸ While most of this content is not sports related, it demonstrates the potential for digital platforms to impact the market for sports rights and audience attention.
- **Gambling apps and platforms**, such as Bet365, also provide limited access to live streaming of sports for their users. Although these activities can be limited as a result of the digital rights held by other media entities, it has a growing market and audience.

A large number of Australians watch sport

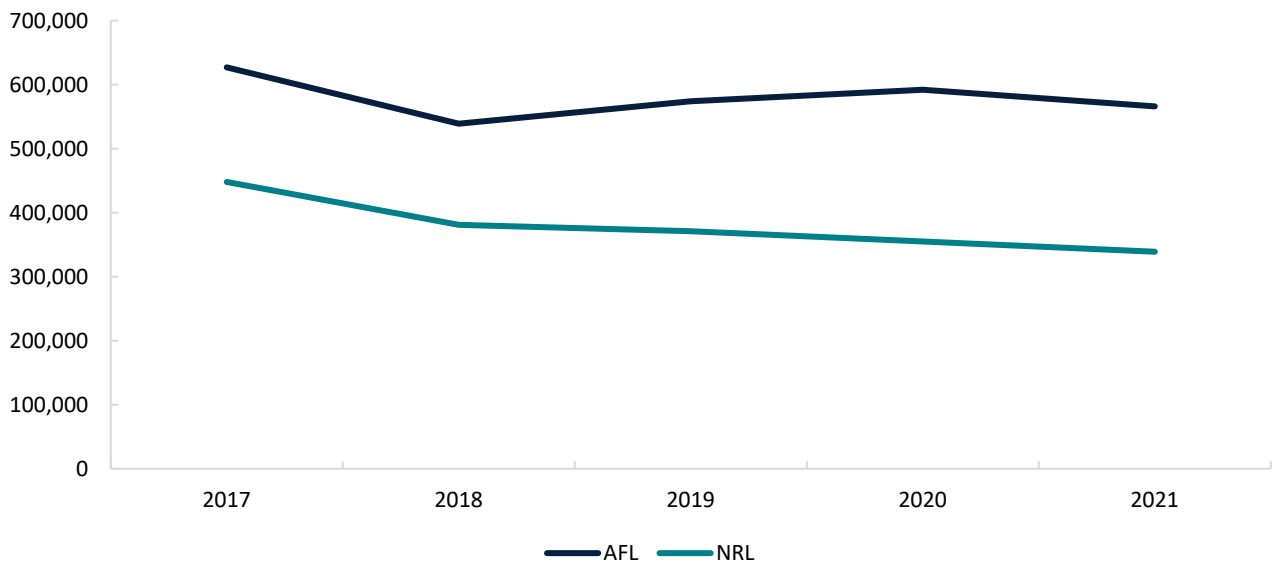
Televised sports can attract large audiences for broadcasters. The popularity and immediacy of sport (watching it unfold live rather than on delay) make it an attractive proposition for live broadcasting.

Australians watch sport on a regular basis. A report commissioned by Free TV and prepared by Deloitte Access Economics found that in 2021, 55 per cent of Australians watched sport at least weekly on commercial television.²⁹

Audiences for the major football codes are also significant. As highlighted in Figure 2, the free-to-air (broadcast) viewing figures for the 'prime time' Friday night game for AFL have increased from a high base in the past year. Similarly, the NRL's Friday night game continues to rate strongly.

²⁸ Google's submission [Attachment C](#) to the Australian content on broadcast, radio and streaming services Inquiry

²⁹ Deloitte Access Economics (2022) [Everybody gets it: Revaluating the economic and social benefits of commercial television](#), p 3, commissioned by FreeTV

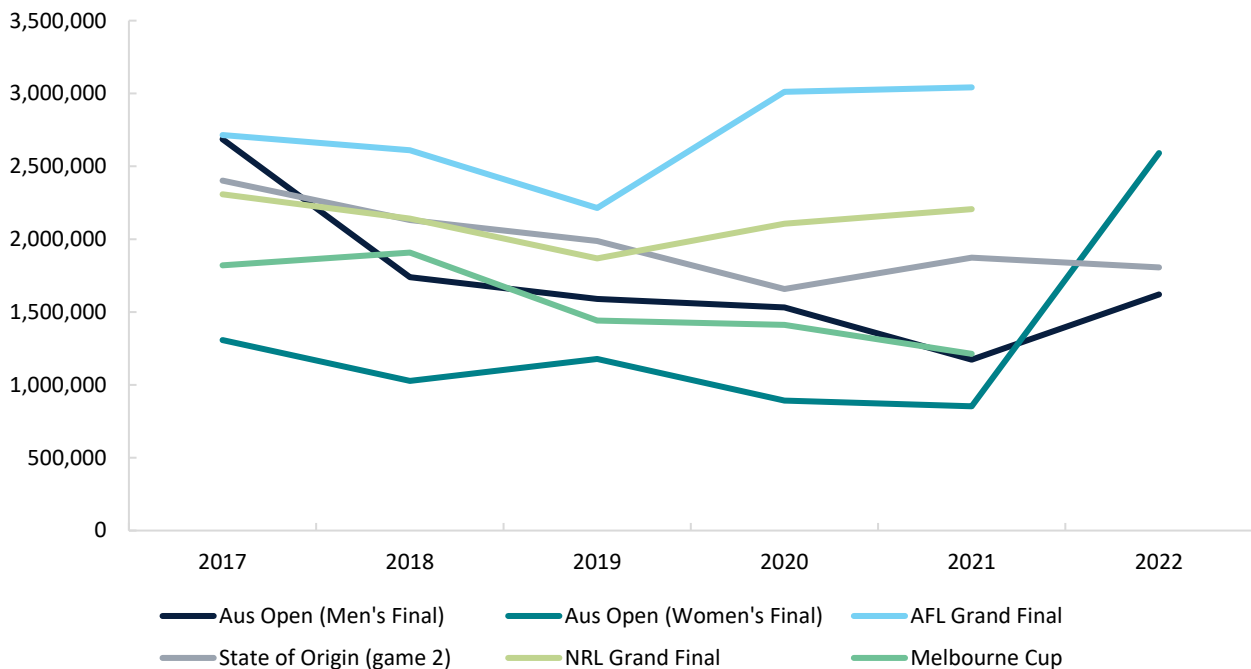
Figure 2: Friday night sport continues to attract audiences to free-to-air channels

Source: OzTAM 5 City Metro I Consolidated 7 I Average audience measures by match I Includes main and multi-channels. Note that this graph reflects terrestrial free-to-air broadcast in mainland state capital cities only; regional markets and online streaming are not included. Data copyright © OzTAM 2022. The data may not be reproduced, published or communicated (electronically or in hard copy) in whole or in part, without prior written consent of OzTAM.

Beyond the regular competitions, major sporting events – marquee events that occupy a distinct position on the Australian sporting calendar – also continue to generate significant peak audiences (Figure 3):

- For AFL, the 2021 Grand Final between Melbourne and Western Bulldogs attracted a national average audience of 4.1 million, the highest watched program in 2021.
- For NRL, the second State of Origin fixture in 2021 attracted a national overall audience of close to 3 million viewers, an increase on both the 2019 and 2020 iterations of this fixture. This figure grew to just over 3 million viewers in 2022, with the second match that year also attracting the second highest BVOD audience of all time of 394,000, behind only the previous game in the series.³⁰
- The Australian Open tennis tournament finals (men's and women's) also draw significant viewership. Audiences can be attracted to matches featuring particular players. For example, when Ash Barty – at the time, the number 1 ranked female player and an Australian – competed in the women's final in 2022, the combined viewership for both the men's and women's finals jumped to over 4 million.
- Although viewership of the Melbourne Cup has been in decline for the past decade, it still attracted 1.2 million viewers in 2021.

³⁰ Sydney Morning Herald (27 June 2022), ['Largest Origin TV audience since 2019 tunes in for game two rout'](#)

Figure 3: Marquee events continue to draw large viewership

Source: OzTAM 5 City Metro I Consolidated 7 I Average audience measures by match I Includes main and multi-channels. Note that this graph reflects terrestrial free-to-air broadcast in mainland state capital cities only; regional markets and online streaming are not included. Data copyright © OzTAM 2022 The data may not be reproduced, published or communicated (electronically or in hard copy) in whole or in part, without prior written consent of OzTAM.

Less regular events also draw significant audiences. For example, the Summer Olympics Opening Ceremony draws a large free-to-air audience. This is most pronounced when the event aligns well with Australian time zones. For this reason, the Opening Ceremonies for 2008 Beijing and 2020 Tokyo Olympics had live viewership of over 2.8 and 2.6 million respectively. For London 2012 and Rio de Janeiro 2016, in less convenient time zones for Australian audiences, the Opening Ceremonies received 1.8 and 1.6 million live viewers respectively.

Taking into account time-shift and BVOD viewers, the Tokyo 2020 Opening Ceremony drew a total audience of 3.85 million viewers. It marked a step change in BVOD viewing habits, recording the biggest ever day in Australian BVOD streaming at 376 million minutes, four and a half times the previous record (set only 10 days earlier by the Nine Network's State of Origin coverage).³¹

Although audience numbers are significant, not all Australians watch sports content on a weekly basis. A survey commissioned by the department in 2021 found that 44 per cent of Australian adults consumed sports content in the seven days prior to the survey, a similar proportion to 2020.³² In comparison, 95 per cent of Australian adults consume news at least once per week.³³ While 42 per cent of viewers stated they typically watch news and current affairs on commercial free-to-air television, only 23 per cent said they typically watch sport.³⁴

³¹ B&T Magazine (11 August 2021), [“Tokyo 2020 isn't just Seven's Win... It's a Giant Endorsement for BVOD”: the Trade Desk's James Bayes](#)

³² Social Research Centre (2021), [Media Content Consumption Survey](#), p 85, report to the Australian Government Department of Infrastructure, Transport, Regional Development, Communications and the Arts

³³ Social Research Centre (2021), [Media Content Consumption Survey](#), p 60, report to the Australian Government Department of Infrastructure, Transport, Regional Development, Communications and the Arts

³⁴ Ibid, p 24

Sport remains an important genre for broadcasters

As noted above, sport is one of the few remaining genres of programming where broadcasters have been able to maintain and (in some cases) grow their audiences. Sport accounted for two thirds of the top 50 rating programs on free-to-air television in 2021, and all but one of the top ten programs in the same year, as set out in Table 2.

Table 2: 10 most popular programs on free-to-air television in 2021 (metro areas)

Rank	Program	Audience (thousand viewers)
1	Seven's AFL: Grand Final: Melbourne V Western Bulldogs	3,042
2	Seven's AFL: Grand Final: Presentations	2,711
3	Tokyo 2020 Olympic Games: Opening Ceremony	2,654
4	Seven's AFL: Grand Final: On The Ground	2,278
5	NRL Grand Final Day: Match	2,206
6	Tokyo 2020 Olympic Games: Day 9 - Night	2,077
7	State of Origin Rugby League: Queensland V New South Wales – first match	1,927
8	The Block: Winner Announced	1,907
9	State of Origin Rugby League: Queensland V New South Wales – second match	1,873
10	Tokyo 2020 Olympic Games: Opening Ceremony - late	1,814

Source: OzTAM 5 City Metro | Consolidated 7 | Total Audience | 2021. Data copyright © OzTAM 2022 The data may not be reproduced, published or communicated (electronically or in hard copy) in whole or in part, without prior written consent of OzTAM.

Sports coverage on subscription television is also very popular among Australian audiences and, hence, a major subscription driver. Table 3 shows the 10 most popular programs on pay television in 2021 were all sports-related.

Table 3: 10 most popular programs on subscription television in 2021

Rank	Program	Audience (thousand viewers)
1	NRL: Preliminary Final: Storm v Panthers	471
2	NRL: Preliminary Final: Rabbitohs v Sea Eagles	452
3	NRL: Semi-Final: Panthers v Eels	447
4	AFL: Semi-Final #1: Brisbane v Western Bulldogs	439
5	AFL: Preliminary Final #1: Melbourne v Geelong	431
6	Cricket: The Ashes – 3rd Test Day 2	429
7	Cricket: The Ashes – 2nd Test Day 2	399

Rank	Program	Audience (thousand viewers)
8	NRL: Qualifiers: Panthers v Rabbitohs	394
9	Cricket: The Ashes 2nd Test Day 5	394
10	AFL: Preliminary Final #2: Port Adelaide v Western Bulldogs	389

Source: OzTAM National STV | Consolidated 7 | Total Audience | 2021. Data copyright © OzTAM 2022 The data may not be reproduced, published or communicated (electronically or in hard copy) in whole or in part, without prior written consent of OzTAM.

Notwithstanding the changes that are taking place in media markets, there remains a proportion of Australians who rely on free-to-air television for news, information and entertainment as lack of internet services in their local area, or internet plan data caps, prevent or deter the use of video on demand and streaming services.³⁵

Broadcasters have previously commented on the importance of sports to their business model:

When a sports fan wants to catch their team's blockbuster game, their predominant choice is commercial television.

When a sports organisation wants to reach their audience, they turn to commercial free-to-air television.

That dominance of both audiences and advertisers is what keeps commercial television relevant and profitable.

James Warburton, Managing Director and CEO Seven West Media³⁶

While sporting organisations find the arrangements struck with broadcasters to be equally important:

Broadcast deals generate the largest revenue for our game and having all three broadcasters committed until 2027, at a record level for the game, provides long-term financial certainty to invest and plan for the game's future and the futures of our clubs.

Peter V'Landys, Australian Rugby League Commission chairman³⁷

³⁵ Deloitte Access Economics (2022) [Everybody gets it: Revaluing the economic and social benefits of commercial television](#), p 3, commissioned by FreeTV

³⁶ Seven West Media [address](#) to CEDA, June 2022, p 9

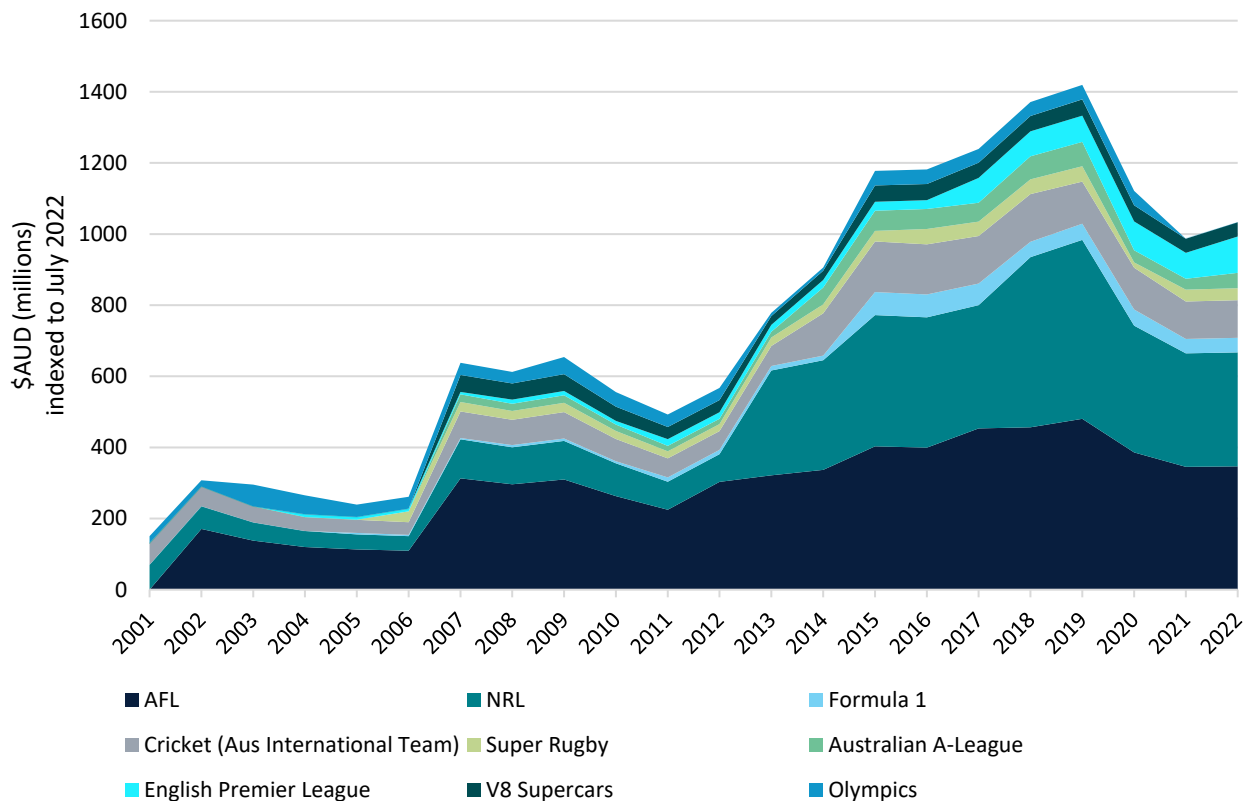
³⁷ Bruce J (20 December 2021), ['Channel 9 signs \\$575 broadcast deal to retain NRL free-to-air rights'](#) News.com.au

The value of sports rights continues to grow

The acquisition of media rights to sporting events has long been critical to broadcasters to attract audiences, and the willingness of broadcasters to invest significant sums to secure these rights has been increasing. Although the full details of these rights deals are not always public, given the commercial nature of the information, the available data suggests that this value is continuing to grow.

The recent announcement of the media rights arrangements for the AFL for the period 2025 to 2031 represents a high point in sports contracts in Australia, with a total value of \$4.5 billion or \$643 million per year over the life of the agreement.³⁸ Longer-term trends in the value of Australian media rights are depicted in Figure 4.

Figure 4: Value of select sports broadcasting rights in the Australian market



Source: SportBusiness Rights Tracker. Includes available values of sports rights contracts for live and delayed free-to-air broadcast, pay TV, online/streaming, mobile, exclusive and non-exclusive. Available values of sports rights contracts have been annualised and summed by event. Converted from USD to AUD using average annual exchange rate, and indexed to 2022 dollars with CPI.

Notes: the reduction in value for sports rights in 2020 and 2021 reflects adjustments to contracting and other arrangements stemming from COVID-19.

- The 2017 AFL rights deal saw the broadcast rights exceed \$2.5 billion over six years (around \$400 million per year). In 2022, an extension of this deal to 2024 was signed for \$946 million.³⁹ In contrast, in 1992, the AFL broadcast rights were purchased for \$100 million (around \$17 million per year over six years).⁴⁰ As

³⁸ AFL (6 September 2022) [Seven years, \\$4.5b: AFL reveals HUGE new broadcast rights deal](#)

³⁹ Ibid

⁴⁰ Sports Industry AU, [Timeline of VFL/AFL Broadcast Rights](#) as at 25 August 2022

noted above, the most recent rights deal – covering the period 2025 to 2031 – eclipsed these previous deals and represented an increase of close to 50 per cent on a per annum basis compared with the arrangements in place for the period 2017 to 2024.

- In 2015, the NRL secured a \$1.8 billion rights deal spanning five years from 2018 to 2022, with the partnership consisting of the ARL Commission, the Nine Network (commercial rights), News Corp (Fox Sports) (subscription rights) and Telstra (digital rights). This deal was 70 per cent higher than the previous deal, which came in at \$500 million over 6 years. The new 2023-2027 deal is valued at \$2 billion, or \$400 million per annum, an increase of \$40 million per annum from the previous deal.⁴¹
- In 2018, the broadcast rights to the Australian Open tennis tournament (and lead-up tournaments in Sydney, Brisbane and Hobart) were sold to the Nine Network for \$300 million over five years starting in 2020 (equating to \$60 million per annum).⁴² This deal was almost double the previous deal with the Seven Network, believed to be around \$35 million per annum.⁴³
- The Melbourne Cup broadcast rights were secured by Channel Ten in 2018 for \$100 million over five years from 2019.⁴⁴ This is the biggest broadcasting deal in the history of Australian racing and includes the rights to cover the whole of the race day program.
- In 2018, Cricket Australia announced a six-year broadcast deal with the Seven Network and Fox Sports, worth \$1.2 billion.⁴⁵ This deal doubled the value of the previous five-year deal with the Nine Network and Network 10, worth \$590 million.⁴⁶
- In 2014, the Seven Network paid \$170 million for Olympic Games broadcasting rights starting with the 2016 Rio Summer Olympics and ending with the 2022 Beijing Winter Olympics, amounting to \$42.5 million per Games.⁴⁷ This was an increase of over 100 per cent from the broadcasting rights to the 2014 Sochi Winter Olympics, which Channel Ten paid \$20 million for.⁴⁸ If the Seven Network chooses not to extend the agreement to include the 2024 Paris Summer Olympics, then the Nine Network, Amazon Prime, Stan Sport, and Foxtel's Kayo are reported to be involved in future negotiations for rights with the International Olympic Committee.⁴⁹
- In 2021, Nine Entertainment Co.⁵⁰, Seven West Media⁵¹, and News Corp (Foxtel)⁵² collectively spent \$1.2 billion on media programming rights in Australia, and Paramount Global (Channel 10 is a subsidiary) spent US\$12.6 billion on media programming rights worldwide. Foxtel committed \$402 million for sports rights broadcasting in 2021–22 and over \$2 billion in total commitments over the period of 2021–22 to 2027–28.⁵³ In comparison, Paramount Global committed US\$28.4 billion in global sports rights broadcasting from 2021–22 until at least 2026-27, including Australian broadcasting rights to the A-League and W-League soccer.⁵⁴

Media rights are also critical to the sporting bodies and codes themselves, often constituting their single biggest source of revenue. For example, in 2021 over half of the AFL's total revenue of \$738.1 million was

⁴¹ Walter B (20 December 2021) '[Record broadcast deal a partnership to grow game](#)', NRL News

⁴² Tennis Australia (29 March 2018) '[Tennis Australia signs landmark rights deal with Nine Network](#)'

⁴³ Otto T (29 March 2018) '[Australian Open, Channel 9 in Tennis Australia TV rights bombshell](#)' News.com.au

⁴⁴ R Peter (3 September 2018) '[Channel 10 to take Melbourne Cup TV rights from Channel 7](#)' Herald Sun

⁴⁵ Nine (n.d.) '[Cricket Australia signs broadcast deal with Seven and Foxtel](#)'

⁴⁶ Ibid

⁴⁷ Shepherd E, (6 April 2022) '[Karl Stefanovic spearheads Nine's mission to take Olympics broadcast rights](#)', Mumbrella

⁴⁸ Christensen N (13 May 2013) '[Ten 'picks up 2014 Winter Olympics for \\$20m'](#)', Mumbrella

⁴⁹ Shepherd E, (6 April 2022) '[Karl Stefanovic spearheads Nine's mission to take Olympics broadcast rights](#)', Mumbrella

⁵⁰ Nine Entertainment (2021), Annual Report 2021, p 83

⁵¹ Seven West Media (2021), Annual Report 2021, p 77

⁵² News Corp (2021), Annual Report 2021, p 52

⁵³ News Corp (2021), Annual Report 2021, p 52

⁵⁴ Paramount (2022), United States Security and Exchange Commission Form 10-K, PII-60

sourced from broadcasting and media agreements.⁵⁵ In the same year, the broadcasting rights deal for the NRL accounted for almost two-thirds of its total revenue.⁵⁶

Free-to-air coverage is still the way many sports reach their fans, and why sporting bodies may choose to include a free-to-air component in their media rights arrangements. Even Super Rugby – a competition designed and established for subscription television and not on the anti-siphoning list – recently incorporated coverage of a Saturday night match on the Nine Network.

Online services are playing a greater role

The content consumption habits of Australians are changing. Audiences, particularly those that have always known the internet, are migrating from traditional broadcasts on television and radio to online services.

Broadcast video on demand (BVOD)

Commercial free-to-air television broadcasters are embracing the transition to digital platforms to transmit sporting content on BVODs, sometimes alongside their linear broadcasting. While typically having to sign up to an account for these services, the service itself operates on a free-to-access ad-supported model.



The Seven Network obtained the broadcast rights to the 2020 Tokyo Olympic Games, as well as the rights to stream the Games. Audiences were able to access events that Seven did not broadcast on its commercial network channels through its 7plus app, as well as simulcasts of events broadcast on the Seven's commercial television service.

This coverage was reportedly instrumental in 7plus capturing 45 per cent of the commercial streaming minutes across free-to-air networks in 2021, and experiencing 57 per cent year-on-year growth.

Seven had similar rights to the previous Olympic Games in Rio de Janeiro in 2016 and PyeongChang in 2018.



Nine Entertainment Co uses its BVOD platform 9Now to simulcast the events it has the media rights to, such as:

- NRL matches that are shown on its broadcast platform, including State of Origin; and
- Australian Open tennis matches, including simulcasts of matches shown on its broadcast channels and additional matches it chooses not to broadcast.

Television broadcasters are offering BVOD services and revenue from these services is growing rapidly. In the 12 months to June 2022, BVOD revenue was \$426.3 million, an increase of 53.3 per cent from the previous corresponding period.⁵⁷ However, BVOD revenue is still a small portion of overall revenue for these providers. Total television revenue (excluding SBS) was \$4.3 billion in the 12 months to 30 June 2022 (a 10.8 per cent increase on the previous corresponding period), meaning that BVOD revenue for that year comprised around 10 per cent of total revenue.⁵⁸

⁵⁵ Australian Football League (2021), Annual Report 2021

⁵⁶ NRL Media Release (28 February 2022), '[2021 Financial Results](#)', NRL

⁵⁷ ThinkTV (8 August 2022), [Total TV advertising market records \\$4.3 billion for 12 months to June 2022](#)

⁵⁸ Ibid

Streaming services

Streaming services have significantly affected the television market. Australians' willingness to pay for premium content is also growing. Telsyte's 2019 research found that more than half of Australian households had a subscription video on demand (SVOD) service at the end of June 2019 (a total of 12.3 million subscriptions), 43 per cent of households had multiple subscriptions, and one in three Australians had no set limit on how many subscriptions they would take out.⁵⁹ It found that those willing to pay for SVOD services have an average monthly budget of around \$30 to spend, while one in three Australians have no set budget.

Australian households have continued to take up SVOD subscriptions, with 19.1 million SVOD subscriptions held at the end of 2021, up 2.6 million from 2020.⁶⁰ Telsyte's 2021 study found the top five SVOD services at the end of June 2021 to be Netflix (6 million), Amazon Prime Video (2.9 million), Disney+ (2.6 million), Stan (2.4 million) and Kayo Sports (1.1 million). While numbers of subscriptions held by Australian households are not directly translatable to audience numbers for particular events, they are useful in demonstrating user trends.

If television broadcast audiences decline, sports bodies will likely look to distribution arrangements that increase their ability to reach audiences. This change in distribution arrangements could include an increasing proportion of digital rights that may be offered to streaming platforms on an exclusive or non-exclusive arrangement.

While digital rights have been offered to, and acquired by, online content providers for many years, such as Telstra's acquisition of digital rights to the NRL from 2015, digital rights deals have generally been complementary to traditional television broadcast rights arrangements. However, there is the risk that new players in the sports distribution market who are not captured by the anti-siphoning scheme will obtain exclusive media rights to events on the anti-siphoning list.

More sporting content has moved across to digital platforms, including some exclusive content

Non-exclusive content – streaming partnerships and BVOD use

- In November 2020, Rugby Australia announced that Nine Entertainment Co. had acquired the media rights to Australian rugby union. As part of the deal, Nine created Stan Sport which, under the rights deal, will stream rugby union in Australia. Events on the anti-siphoning list will be simulcast on Channel Nine.⁶¹
- NRL has split rights, with three NRL regular season round matches generally televised on Nine and on Foxtel. The remaining rights (subscription and streaming) are acquired on an exclusive basis (typically five NRL regular season round matches for Foxtel and Kayo). The Grand Final is exclusively broadcast on Nine. Nine also increases its free-to-air showing of games in the lead up to the finals, shifting to four matches per round.
- AFL games are shown on the Seven Network, Foxtel, and Kayo. Under the 2017 agreement, Seven broadcasts up to five matches per week live, with Foxtel broadcasting each and every game on its Footy channels. All matches featuring a non-Victorian team are broadcast live in that team's state, with Seven simulcasting Foxtel's coverage on its network if it is not a match it would otherwise cover. All games, with the exception of the Grand Final, are live streamed on either Kayo Sports or Foxtel

⁵⁹ Telsyte (2019), [Australians turn to multiple subscriptions for entertainment](#) as at 25 August 2022

⁶⁰ Telsyte (2021), Australian Subscription Entertainment Study 2021; Jolly N (20 September 2021) [Four In Five Aussie Homes Have Streaming Subscriptions](#), Channel News

⁶¹ Hytner M (9 November 2020) [Rugby Australia signs \\$100m deal with Nine as broadcaster unveils Stan Sport](#) The Guardian

Now, AFL Grand Final coverage is confined to the free-to-air channel. From the 2025 season there will be changes to the arrangements for online streaming, with all free-to-air games also being available on 7plus.

Exclusive content

- Optus Sport obtained exclusive rights to the English Premier League (prior to sub-licensing one match per game week to SBS).⁶²
- In February 2021, Netball Australia announced that it had secured a five-year deal with Foxtel to stream Super Netball premiership matches and international matches involving the Australian national team on Kayo for five years. The deal does not include any of the netball events on the anti-siphoning list.⁶³
- In February 2021, Amazon Prime secured a two-year exclusive agreement with Swimming Australia for the rights to stream several Australian swimming events that are not on the anti-siphoning list.⁶⁴ This included the Australian Swimming Trials in the lead up to the 2020 Tokyo Olympic and Paralympic Games, the qualifying events for the 2022 FINA World Swimming Championships and the 2022 Birmingham Commonwealth Games.

International trends highlight the growth in online coverage

Internationally, there has been a trend towards greater online and OTT coverage of live sports, reflecting changes in viewer preferences, as well as adjustments in the business strategies of streaming services. Forty per cent of global fans now opt to stream live sports events through digital platforms.⁶⁵

In the UK, the sports broadcasting sector has been affected by the same behavioural and technological shifts that have impacted the wider media sector. Linear TV viewing is declining among younger audiences, who are more likely to prefer to watch sports on OTT services.⁶⁶

Across different countries, the penetration of OTT services in the sports market varies widely. For example, in 2021, only 2 per cent of annual spend on sports TV rights in the UK was derived from streaming subscription services, while this sat at nearly 25 per cent in Germany and nearly 35 per cent in Italy. This number was estimated to rise to 53 per cent for the Italian sports market in 2022.⁶⁷

The impact of online coverage of sporting events in terms of interest and participation in sport is difficult to ascertain, given the relative recency of the trend and the lack of publicly available research and data. However, this is expected to evolve over the coming years as sporting codes look to capitalise on the opportunities presented by online streaming services.

Amazon in the UK

In 2018, Amazon acquired exclusive rights in the UK to broadcast 20 English Premier League (EPL) games per season across three years, starting in 2019. Amazon shared the rights with two major pay TV broadcasters – Sky Sports and BT Sport. While Amazon did not disclose how much it paid for the rights, Sky is reported to

⁶² Optus Sports [Optus Sport announces new PL & FAWSL rights deals](#)

⁶³ Netball Australia (3 February 2021) [New broadcast and rights deal announced for 2022](#)

⁶⁴ Carp S (4 February 2021) [Amazon dips toe in Australian market with swimming streaming deal](#) Sports Pro Media

⁶⁵ Nielsen (2022), Global Sports Marketing Report

⁶⁶ Ampere Analysis (2022), 2022 Trends and Dynamics in the Sports Broadcasting Sector, Abridged Report for the UK Office of Communications

⁶⁷ Ibid

have paid around AUD\$6 billion, while BT Sports reportedly paid AUD\$1.5 billion.⁶⁸ The deal was renewed in 2021 to span the 2022 to 2025 seasons.⁶⁹

In July 2022, Amazon announced a similar three-year deal to stream European Champions League matches in the UK beginning in 2024.⁷⁰ BT Sport, which has had exclusive UK rights to broadcast the Champions League since 2015, will continue to carry the majority of matches. Amazon already broadcasts a number of Champions League matches in Germany and Italy.

Amazon has also invested significantly in tennis in the UK. In 2018, it acquired rights to broadcast ATP World Tour events through to 2023. It also acquired exclusive UK TV rights to the US Open tennis tournament for five years.⁷¹ However, Amazon did not secure the US Open UK rights contract from 2023, with Sky Sports outbidding the streaming company.⁷²

In 2020, Amazon entered into an exclusive four-year rights agreement with the Women's Tennis Association to add live and on-demand coverage in the UK and Ireland.⁷³

USA National Football League

In March 2021, an 11-year deal, valued at over US\$100 billion, was agreed between all rights partners across digital and broadcast platforms.⁷⁴ The arrangement commences in 2023. However, Amazon Prime will be the exclusive partner for the NFL's Thursday night package, and the two entities agreed to commence from the 2022 season.⁷⁵ Amazon is reported to be paying around US\$1 billion per year for the package.⁷⁶ It represents the first time a streaming service will carry a full package of NFL games exclusively, and will see around 15 games in 2022 airing exclusively to Amazon Prime customers.

In addition, CBS will stream games it broadcasts on Paramount+; NBCUniversal will stream at least the games it broadcasts on the NBC Sports app; and Disney can stream all games that air on ABC and ESPN on ESPN+.⁷⁷

ViacomCBS, Fox, and Comcast (which owns NBCUniversal) will reportedly pay over US\$2 billion per year for their respective packages, while Disney will pay around US\$2.7 billion annually.⁷⁸

The NFL also provides a direct streaming option via NFL.com, including live video streaming and other OTT services. Through this direct service the NFL is able to manage global distribution of its events not already covered by other rights deals.

Indian Premier League

In 2017, Disney-owned Star India acquired worldwide television and streaming rights to the Indian Premier League cricket tournament for five years, for a reported AUD\$3.2 billion.⁷⁹ In 2022, streaming rights for the forthcoming five years were secured by Viacom18 for over AUD\$4.3 billion, while Star India retained the TV rights for around AUD\$4.3 billion.⁸⁰

⁶⁸Rao PS and Draper K (June 7 2018), '[Amazon Wins Exclusive U.K. Rights to Broadcast Some Premier League Matches](#)', The New York Times

⁶⁹Sweney M (13 May 2021), '[Premier League renews £4.8bn TV deal with extra £100m trickle-down funds](#)', The Guardian

⁷⁰Sweney M (1 July 2022), '[Amazon close to deal over Champions League rights in UK](#)', The Guardian

⁷¹Sweney M and Gibbs S (20 April 2018), '[Amazon buys exclusive UK rights to US Open tennis tournament](#)', The Guardian

⁷²Fraser S (2 April 2022), '[Emma Raducanu factor entices Sky to seize US Open from Amazon](#)', The Times

⁷³WTA Staff (12 June 2019), '[Amazon wins exclusive rights to WTA in four-year deal, Prime Video to be the home for tennis in the UK and Ireland](#)', Women's Tennis Association

⁷⁴Belson K and Draper K (18 March 2021), '[N.F.L. Signs Media Deals Worth Over \\$100 Billion](#)', The New York Times

⁷⁵Skriver K (11 May 2022), '[NFL on Amazon, explained: What to know about new 'Thursday Night Football' broadcasts for 2022](#)', The Sporting News

⁷⁶Sherman A (3 May 2021), '[Amazon's Thursday Night Football package will begin in 2022 instead of 2023](#)', CNBC

⁷⁷Sherman A and Young J (18 March 2021), '[NFL media rights deal 2023-2033: Amazon gets exclusive Thursday Night](#)', CNBC

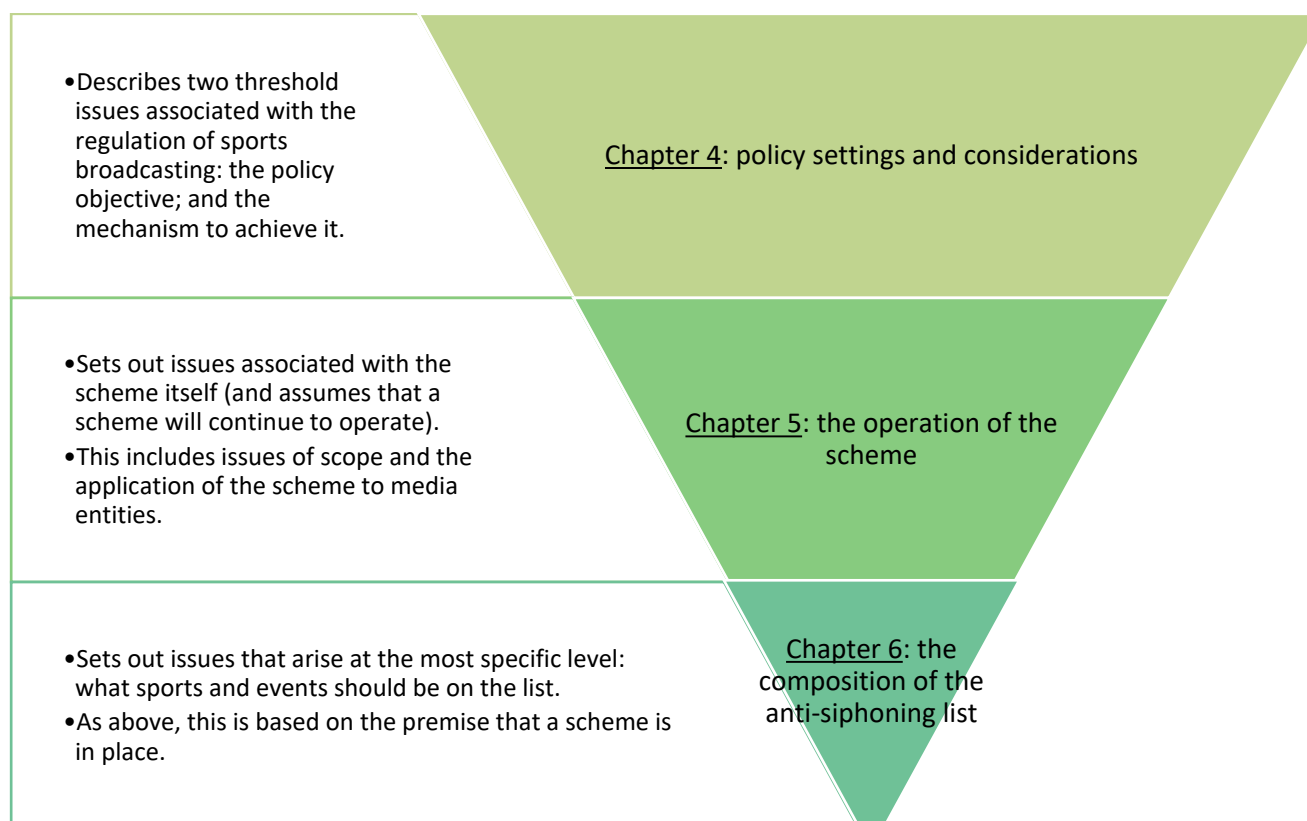
⁷⁸Ibid

⁷⁹Reuters (4 September 2017), '[IPL television and broadcast rights sold for massive £1.97bn to Star India](#)', The Guardian

⁸⁰BBC staff (15 June 2022), '[IPL media rights sold in record-breaking \\$6bn deal](#)', BBC News

PART 2: Issues for consultation

The review will examine issues associated with the anti-siphoning scheme and list and the regulation of television coverage of key sporting events more broadly. The following chapters outline these issues and pose questions for consideration by interested parties.



The issues are not intended to be exhaustive or mutually exclusive, and it is recognised that there are interdependencies between the various categories (for example, a view on the objective of the regulation of sports broadcasting will be relevant to consideration of whether there should be an anti-siphoning scheme in place). Submitters should consider these issues to be illustrative and should provide comment on the anti-siphoning scheme and anti-siphoning list (and sports broadcasting policy), as appropriate.

Chapter 4: Policy settings and considerations

This chapter describes two threshold issues associated with the regulation of sports broadcasting:

- the *policy objective* – the outcome being sought by the anti-siphoning scheme; and
- the *policy mechanism* – whether the anti-siphoning scheme is the right intervention to achieve this outcome in a contemporary media environment.

Policy objective

Status

As outlined in the Explanatory Memorandum to the Broadcasting Services Bill 1992, the scheme was introduced to address concerns regarding the siphoning of “*events of national importance and cultural significance*” by subscription television broadcasting licensees.⁸¹ As such the objective of the scheme was to ensure that:

“...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.”⁸²

In effect, the scheme’s aim is to increase the likelihood of free televised coverage of iconic and nationally important events. It does not guarantee this outcome, but seeks to support its achievement. When the first anti-siphoning list was made in 1994, the then Minister for Communications and the Arts, the Hon Michael Lee, re-iterated the objective of the scheme in a press release announcing the making of the list:

‘...the “anti-siphoning” list would ensure that viewers would not be forced to pay for major sporting programs which they now received free of charge...This is not a list of events that are reserved solely for free-to-air television. Rather it is a list of events for which Pay TV licensees cannot acquire exclusive rights...expect that Pay TV will complement and expand the coverage of sport provided by free-to-air television...It will ensure that viewers continue to see the most popular sporting events free of charge, while having the option of a broader selection of programs on subscription channels.’⁸³

Discussion

The review will consider whether this objective remains relevant and appropriate in a contemporary digital media environment. Most Australians hold the view that access to sport is an important public policy goal. A survey commissioned by Free TV in 2021 found that 69 per cent of respondents agreed that giving all Australians access to major sporting events is in the public interest.⁸⁴ A key consideration is the form that this access should take.

As noted in Chapter 3, Australians now consume media content – including sports – through a wide variety of services and platforms. Some of these are supported by advertising (and are free in the sense of no explicit payment by viewers), but many are based on subscription models, and these services have been embraced by

⁸¹ Explanatory Memorandum to Broadcasting Services Bill 1992, page 67

⁸² Ibid

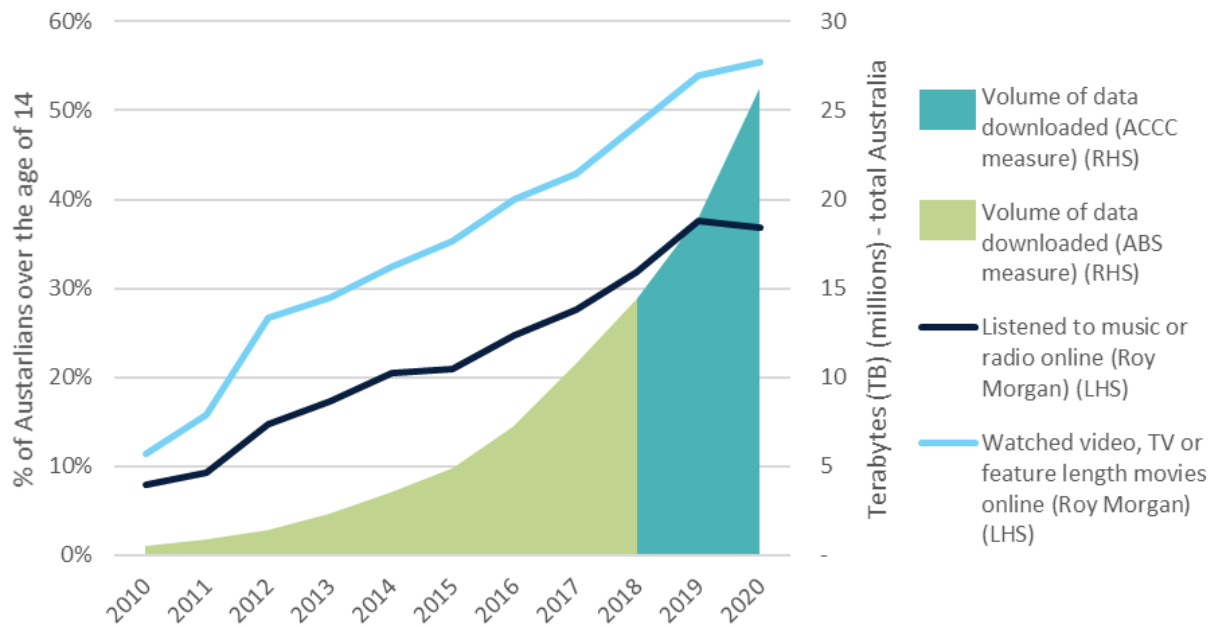
⁸³ Parliament of Australia (31 May 1994, [ParlInfo - Major sporting events to remain on free to air television](#))

⁸⁴ Free TV (2022), [FreeTV Policy Manifesto](#), p3

Australians. Between 2019 and 2021, the number of Australian subscribers to SVOD services jumped from 12.3 million to 19.1 million.⁸⁵ The growth of new services has not been limited to audio-visual content, with 67 per cent of Australian adults listening to at least one music streaming service in the previous seven days in 2021, up from 37 per cent in 2017.⁸⁶

The appetite for online media content has grown in step with an increasing consumption of internet data, as shown in Figure 5.

Figure 5: Change in online media consumption over the past decade (2010–2020)



Source: Roy Morgan Single Source, Australians aged 14+, 2010–2020 (financial years); Australian Bureau of Statistics (ABS), Internet Activity, Australia 2010–2018; Australian Competition and Consumer Commission (ACCC), Internet Activity Report, 2018–2020. Quarterly data has been imputed based on biannual reports. Note that Internet volume data is indicative only and there are limitations in comparing the ABS and ACCC data, as outlined in the first Internet Activity Report (December 2018).

This is a marked change from the environment in place when the anti-siphoning scheme was originally introduced. At that time, there was a concern – reflected in the Explanatory Memorandum to the Bill that introduced the scheme – that iconic sporting events would be siphoned behind the paywalls of services that most Australians didn't have access to. Internet services were also non-existent. It is relevant to consider whether the policy objective for sports coverage should be adjusted to reflect changes in the way audiences access media content and if so, in what way.

The current objective of the scheme is also framed in terms of 'events' and is not specifically focused on sports. While the anti-siphoning list, to date, has not included non-sporting events, such as the Anzac Day commemorations, the broadcast and media rights for these events are typically not made available or traded on an exclusive basis. Broadcasters can choose to provide coverage of such events, and hence there is a lower risk of such events being siphoned behind a paywall compared with sporting events.

⁸⁵ Telsyte (2021), [Subscription entertainment lifts in lockdown](#), as at 25 August 2022

⁸⁶ ACMA (2021), [Trends in viewing and listening behaviour](#)

Questions:

1. Is the objective of ensuring that Australians continue to have free access to nationally important and culturally significant events still relevant and appropriate? What changes to this objective, if any, would you propose?
 - ☐ Should the scheme seek to define what constitutes ‘nationally important and culturally significant’? Is so, in what way? Is popularity a proxy for importance and significance, or are other inputs or variables relevant?
 - ☐ Should other factors, in addition to free access to events, be considered for the objective?
2. What does, or should, ‘free access’ to events mean?
 - ☐ Is an event ‘free’ only if it is shown on free-to-air television, or could availability via an online service without a direct access fee (such as a BVOD or streaming service) also satisfy this criterion?
 - ☐ Does having to pay for internet access alter your perspective on whether these events are ‘free’ to access?
3. Should the policy objective be rationalised to focus on sporting events (which, in practical terms, is where the anti-siphoning scheme operates today), or remain broadly cast to include any events?

Policy mechanism

Status

The objective of the anti-siphoning scheme is to ensure that Australians continue to have free access to television coverage of important events. The scheme is not the only mechanism used to promote access to sport. However, it is the only regulatory intervention that targets the right to televise iconic and nationally important events.

Discussion

Numerous reviews have examined the role and impact of the anti-siphoning scheme. Although the impacts of the scheme are very difficult to quantify, these reviews have acknowledged that it constrains the ability of sports bodies to freely market their content, and impairs the capacity of subscription television broadcasting licensees to bid for such rights.

The Productivity Commission, in its *Annual Review of Regulatory Burdens on Business: Social and Economic Infrastructure Services*, concluded that the scheme had substantial negative impacts:

The anti-siphoning list appears to be unnecessary to meet the objectives of wide consumer access to sports broadcasts (it may actually reduce consumer access to sports broadcasts). Further, it imposes substantial regulatory burdens and competitive disadvantages on subscription television networks. The option to abolish the anti-siphoning regime should be explored.

As an interim measure, the burden imposed by the regime should be alleviated by substantially shortening the list and simplifying the process for enabling access by subscription broadcasters to events not broadcast by free-to-air networks.⁸⁷

The counterbalance to these detrimental impacts is the benefit the scheme provides for the viewers of sports and for the Australian community at large. Equity of access is a key consideration here.

Due to the tyranny of distance, cost of attendance and, in some cases, sell-out crowds, television is the only way for many Australians to see key sporting events. Access to these sporting events — which the scheme seeks to ensure — benefits the community in terms of providing role models, instilling a sense of national pride and fostering social cohesion.

A threshold issue for this review is whether the anti-siphoning scheme remains the right mechanism to achieve the stated policy objective of ensuring access to coverage of nationally important and culturally significant events.

Questions:

4. Is the anti-siphoning scheme the right mechanism to support the achievement of the stated policy objective of ensuring access to important sporting events?
5. To what extent does the anti-siphoning scheme deliver on its stated objective, particularly for audiences?
6. How does the anti-siphoning scheme alter decisions made in your industry regarding media rights to sporting events, both listed and unlisted? Does it make it easier or harder to sell and acquire such rights?
7. Does the anti-siphoning scheme impose compliance cost on industry? Is it possible to quantify or estimate these costs? Would any changes to the operation of the scheme potentially alter these compliance costs?

⁸⁷ Australian Government Productivity Commission (2009), [Annual Review of Regulatory Burdens on Business: Social and Economic Infrastructure Services](#), p163

Chapter 5: The operation of the scheme

Application of the scheme to new media

Status

The anti-siphoning scheme regulates the acquisition of broadcast rights by subscription television broadcasting licensees. It does not affect the acquisition of media rights for anti-siphoning listed events on any other media platform, including online.

Discussion

The review will consider the case for extending the scope of the anti-siphoning scheme to include online media services. A key consideration will include the risk of iconic and nationally important events migrating exclusively to paywalled online services.

Historically, media rights deals for major sporting events have included online and mobile coverage of sporting events as supplementary to broadcast coverage. With some exceptions, viewers have been able to access live coverage of the events via free-to-air and subscription television services, with highlights and in-depth content available online. This is beginning to change.

Over recent years, free-to-air broadcasters have moved to acquire exclusive media rights to certain events and to provide multi-platform coverage. The Seven Network's coverage of the 2016 and 2020 Olympic Games and Nine Entertainment Co's coverage of the Australian Open tennis are examples of this development. These arrangements have typically involved extensive coverage of events on relevant BVOD platforms, with audiences able to access additional content that is not provided on the broadcast platform via both live streams and on-demand.

Subscription broadcasters have also adopted a multi-platform model in recent years. Foxtel and its OTT subsidiary service, Kayo, provide exclusive coverage of a number of home and away matches of the AFL Premiership and the NRL Premiership. Under the same rights deals, free-to-air broadcasters televise the remaining fixtures in the home and away rounds for each premiership on a non-exclusive basis.

There are also examples of exclusive rights being acquired by subscription-based online services. This includes Amazon Prime Video's acquisition of the rights to the Australian Swimming Trials and the Australian Swimming Championships, and Kayo's acquisition of exclusive rights to some Netball events. In both of these cases, these events are not on the anti-siphoning list.

At this point, a number of trends can be identified:

- Greater utilisation of online platforms – by free-to-air broadcasters (such as the Seven Network with its Olympics coverage); by entities that are controlled by free-to-air or subscription broadcasters (such as Stan and the Nine Network's Rugby Union coverage); and (more recently) by non-broadcasting entities (such as Amazon Prime Video's acquisition of non-listed swimming events). This responds to growing audience demand for online and mobile viewing options.
- Greater willingness of sports bodies to strike deals that incorporate extensive online coverage of events.
- The emergence (although relatively modest in Australia to date) of exclusive rights arrangements with subscription-based online services (such as Kayo Sports and Optus Sports), particularly for sports that command lower audience numbers.

Against this domestic backdrop are the trends evident in overseas markets described in Chapter 3. Globally, more viewers are opting to watch sports via online platforms. This is being reflected in acquisitions by major

streaming players, as well as increased appetite from international sporting codes to provide exclusive rights packages to online streaming services.

Questions:

8. Is the trend of exclusive rights acquisition by subscription-based online services evident in overseas markets likely to be replicated in Australia? If so, under what timeframes and circumstances?
9. Should the anti-siphoning scheme be extended to cover online services and digital platforms and services? If so, should broadcasting and digital rights be treated in the same manner under the scheme (homogenous regulation), or should different restrictions and obligations apply to each?
10. What impact would the potential extension of the scheme to online services have on industry? Is this potential impact able to be quantified or estimated?
11. What are the potential positive and negative impacts of extending the scheme to online services for Australian viewers? Is this potential impact able to be quantified or estimated?

Regulatory rule: acquisition, conferral or offer?

Status

The anti-siphoning scheme currently regulates the acquisition of the right to televise an event on the anti-siphoning list, effectively prohibiting subscription television broadcasting licensees from acquiring a right to televise the event until a free-to-air broadcaster has a right.

Discussion

Regulating acquisition is not the only way in which the anti-siphoning scheme could operate. The alternatives to an acquisition-based rule would include a conferral-based rule and an offer-based rule.

Conferral-based rule

Under this approach, the scheme would be amended to restrict a party from conferring a right to televise an event on the anti-siphoning list until a right had been conferred to a free-to-air broadcaster. This would, in some respects, be similar to the current acquisition-based rule, but would shift the regulatory obligation from the party acquiring a right (a subscription television broadcasting licensee) to the party conferring the right (the party holding the rights that would, at least initially, be the sports body).

Offer-based rule

Under this approach, the scheme would be amended to restrict a party from offering a right to televise an event on the anti-siphoning list until an offer had been made to a free-to-air broadcaster. This type of rule would most likely be coupled with stipulations regarding the offer: its duration; the type of rights being offered; and any other matters that may be relevant to the objective of ensuring free coverage of listed events. These stipulations may also seek to address the extent to which the offer is reasonable.

As with a conferral-based rule, this approach would shift the regulatory obligation to the party offering the right (most likely a sports body or other right-holding intermediary). However, it would not require the right to actually be conferred to a free-to-air broadcaster. Rather, the right would need to be offered, and free-to-air broadcasters would be provided with a 'first-right-of-refusal'.

An offer-based approach has been used internationally, most notably by the UK.

UK approach to anti-siphoning

The listed events regime works by prohibiting the broadcast of exclusive rights of an event on the list without prior consent from the UK regulatory body, Ofcom. The current list is divided into two categories (Group A and Group B). Where rights holders make an event available, full live coverage must be offered for purchase first to free-to-air channels for events in Group A. Group B events may have live coverage on subscription television provided that secondary coverage or highlights are offered for purchase first to free-to-air broadcasters. However, no rights holder can be compelled to sell its rights, and no free-to-air broadcaster can be compelled to acquire rights.

As outlined in the UK's *Broadcasting White Paper* in 2022, the UK Government wants to ensure that as viewing habits change and technology evolves, the regulatory framework remains fit for purpose. The UK government intends to undertake a review to examine whether the scope of the listed events regime should be extended to include digital rights.

The merits of either a conferral- or offer-based rule for the anti-siphoning scheme in Australia will depend on choices made with respect to other aspects of the scheme. Key amongst these is the question of whether to extend the scope of the scheme to online services.

If the scheme is extended to capture subscription-based services operating online (in other words, entities that do not operate under a subscription television broadcasting licence), then there may be advantages in moving to a conferral- or offer-based rule. This is because such entities do not, at present, operate under the authority of a broadcasting licence and are not considered to be broadcasting services. It may therefore be simpler and more effective to deal with the conferral or offer of rights, rather than acquisition, where entities are not otherwise licensed under the BSA.

Questions:

12. Do you consider that an offer- or conferral-based rule for the anti-siphoning scheme should be considered?
 - ☐ If so, under what circumstances would either one or both of these alternatives provide advantages over an acquisition-based rule?
 - ☐ Should these alternatives seek to ensure that the offer or conferral has been made on reasonable terms? How would this be achieved?
13. What impact on business would the move to an offer or conferral-based rule have? Are these potential impacts able to be quantified or estimated?
14. What impact would the adoption of an offer- or conferral-based rule have for Australian viewers? Are these potential impacts able to be quantified or estimated?

Use and disposal of a right to televise an event

Status

The anti-siphoning scheme does not require free-to-air broadcasters to acquire the right to televise events on the anti-siphoning list, or stipulate what a free-to-air broadcaster may do with any such rights. Free-to-air broadcasters are able to utilise the rights they acquire in the manner they see fit, and to dispose of, or otherwise sell, rights to another party.

The anti-hoarding rules – outlined in Chapter 2 – were established with the intent of maximising free-to-air television coverage of listed sports, although there has been very limited use of these rules since their inception in 1999.⁸⁸

Discussion

Over the life of the anti-siphoning scheme, concerns have been raised periodically about free-to-air broadcasters acquiring the right to televise events on the anti-siphoning scheme and not fully utilising these rights. These concerns have been aired in previous reviews of the scheme and in the context of complaints to the ACMA, where information may be gathered by the ACMA but not lead to an investigation.

The capacity of broadcasters to provide coverage of events and fully exploit the rights they acquire has changed substantially over the past decade and particularly since the anti-hoarding rules were first introduced.

- Free-to-air broadcasters operate at least three digital multichannels (in addition to their main channels).
- In the case of the metropolitan commercial broadcasters and the national broadcasters, they provide streaming and on-demand opportunities through their BVOD offerings.

Broadcasters therefore have a greater ability to provide coverage of events across multiple platforms compared with the late 1990s and early 2000s.

Another factor relevant to the question of the use of rights concerns the state of media markets in Australia.

Free-to-air broadcasters are operating in an increasingly competitive and dynamic environment, with fierce competition for viewers and revenue from streaming services, digital platforms and other online services. There would appear to be little financial incentive for free-to-air broadcasters to pay significant sums for the rights to anti-siphoning list events and not seek to generate revenue from those assets by providing coverage of the events.

Another issue associated with the use of rights concerns the ability to on-sell those rights. Concerns have been raised through previous reviews and inquiries that the anti-siphoning scheme contains a 'loophole'. This 'loophole' relates to the ability of an entity (a non-broadcaster) to acquire the right to an anti-siphoning listed event, hold that right until the event is automatically delisted from the list 26 weeks prior to the event under the current scheme, and then on-sell those rights to a subscription television broadcasting licensee.

A subscription broadcaster would not have breached the relevant licence condition in these circumstances, as the event was not acquired by a subscription television broadcasting licensee during the period in which they

⁸⁸ Under the rules the Minister may make a disallowable instrument designating an anti-siphoning listed event to be subject to the anti-hoarding rules. Commercial television broadcasters who purchase the rights to a designated event, but do not intend to fully use them, must offer the unused portion to the ABC and SBS for a nominal charge. If the ABC or SBS purchase the rights to the event but do not intend to fully use them, they must offer the unused portion to each other. To date, only the 2002 and 2006 FIFA World Cup finals tournaments have been designated under the anti-hoarding rules. The rights to the 2002 tournament were shared by the Nine Network and SBS, while the rights to the 2006 tournament were purchased by SBS which provided full coverage of the event. Neither acquisition was made under the provisions of the anti-hoarding rules.

were prohibited from doing so. An example of this was raised by stakeholders during the 2010 review where Premier Media Group (the then owner of Fox Sports) acquired the rights to the 2005 Ashes cricket series prior to a free-to-air broadcaster.⁸⁹

The review will assess whether this potential sequence of actions by various parties remains a concern in a contemporary media environment. This could include the acquisition of rights by non-broadcasters, as well as the acquisition of rights by broadcasters who are part of a corporate group that includes a streaming service. If part or all of the coverage of an anti-siphoning listed event were to be provided on a subscription-based service, this is likely to give rise to policy considerations given the intent of the scheme to support free access to coverage of events by the Australian public.

Questions:

15. Is there evidence that the rights to anti-siphoning listed events are being acquired but not used by any party in the contemporary media environment?
 - ☐ If so, in what circumstances is this taking place?
 - ☐ Is this resulting in a detrimental coverage outcome for Australian audiences?
16. Is a regulatory mechanism necessary to prevent the hoarding of rights to anti-siphoning listed events?
 - ☐ If so, should this be the anti-hoarding rule (in its current form), an amended anti-hoarding rule, or a new regulatory mechanism?
 - ☐ What impact would the mechanism have on free-to-air broadcasters, subscription broadcasters, online service providers, the relevant sports bodies, and audiences? Are you able to quantify or provide an estimate of these impacts?
 - ☐ How would the anti-hoarding mechanism be integrated with other potential changes to the scheme, including the potential extension to online services?
17. Are there other circumstances where contractual or other arrangements for the right to televise events on the anti-siphoning list are being used to subvert the intent of the scheme? Can you provide examples?

⁸⁹ Australian Government Department of Broadband, Communications and the Digital Economy (2010), Sport on television: A review of the anti-siphoning scheme in the contemporary digital environment

Coverage of anti-siphoning listed events

Status

The anti-siphoning scheme effectively provides free-to-air broadcasters with the opportunity to acquire the right to televise an event on the anti-siphoning list ahead of subscription television broadcasting licensees.

However, it does not require free-to-air broadcasters to provide any particular kind of coverage, whether live or delayed, or require any coverage at all.

Discussion

The absence of a specific coverage obligation for free-to-air broadcasters under the scheme has drawn criticism from the public and from sectors of the industry for a number of years. In the context of the 2010 review of the scheme,⁹⁰ this issue drew the most comment from non-industry submissions to the process.

Free-to-air television coverage of anti-siphoning listed events was subject to a level of oversight between January 2006 and September 2008. The ACMA monitored coverage of events on the anti-siphoning list based broadly on the seven criteria of the ‘use-it-or-lose-it’ guidelines introduced by the then Government in January 2007. The guidelines assessed, among a range of matters:

- the type of rights acquired by a free-to-air broadcaster to a particular event;
- whether the event had been shown to more than 50 per cent of the Australian population;
- whether more than half the event had been broadcast; and
- whether the event had been shown live or near-live, and whether any delay in coverage was intended to provide greater audience access to the event.

The guidelines had no statutory force but were intended to assist the then Government to determine which events to retain on the anti-siphoning list. The ACMA found that free-to-air broadcasters were generally providing adequate coverage of events to which they had the rights, considering the complexities and difficulties of sports broadcasting. No events were removed from the anti-siphoning list by the then Minister of Broadband, Communications and the Digital Economy as a result of the ACMA’s reporting.

In the contemporary environment, a first order question is whether coverage obligations are required. As noted in the discussion of the usage of rights, over recent years broadcasters have sought to make greater use of the additional capacity at their disposal to support coverage of events through multichannels and online services. However, this requires the broadcasters to acquire both the ‘broadcast’ and ‘digital’ rights to events.

They also have a strong incentive to provide live coverage to satisfy the demands of audiences and the stipulations of sports bodies. Over the past decade, there has been a trend away from delayed coverage of events to full live coverage. This has been evident with both the AFL and NRL Premierships, V8 Supercars and the Australian Grand Prix.

In addition to the question of need, there are also a range of practical factors that would need to be considered.

Full coverage

Full and complete coverage is feasible for many ‘discrete’ sports on the anti-siphoning list, such as the Melbourne Cup, cricket fixtures and the major domestic football code premierships. However, it is unlikely to

⁹⁰ Australian Government Department of Broadband, Communications and the Digital Economy (2010), Sport on television: A review of the anti-siphoning scheme in the contemporary digital environment

be feasible for many of the competitions that involve multi-round, simultaneous events. For example, the Wimbledon and Australian Open tennis tournaments each involve around 650 matches (singles, doubles and junior titles). While a free-to-air broadcaster may technically be able to televise all matches by using a combination of multichannels and online services, it may not be a viable option from a commercial or programming perspective.

The ability to provide full coverage of an event will also depend on whether or not the rights made available to the broadcaster encompass all of the play taking place as part of that event. If not, then there would be no capacity for a broadcaster to acquire the rights to, and broadcast, all play.

Live coverage

Live coverage of sporting events is complicated in Australia by time zone differences. For example, live coverage of the Friday night match of the AFL played in Melbourne would start at 5.30pm Australian Western Standard Time (and as early as 4.30pm during the early rounds of the season). This pushes coverage of the event outside prime viewing times in Perth and the broadcasters and the AFL would need to weigh this against the benefits for audiences of live coverage.

Live coverage of international events, such as the Olympics or the world cup finals of various football codes, also presents challenges where live coverage occurs in the late evening or early hours of the morning in Australian time zones. Over recent years broadcasters have increasingly provided live coverage of such events irrespective of the local time, with extensive highlights and replays made available the following day.

Questions:

18. Are you concerned about broadcast coverage of events on the anti-siphoning list? Please provide specific examples.
19. Is there a need for coverage obligations to be introduced for free-to-air broadcasters that acquire the rights to anti-siphoning listed events?
 - ☐ If so, what form should those obligations take?
 - ☐ Should they be applied to specific events, or all events on the anti-siphoning list?
 - ☐ How should coverage obligations be integrated with other reforms to the anti-siphoning scheme?
20. Would the imposition of coverage obligations alter decisions made by industry regarding media rights to sporting events, both listed and unlisted?
 - ☐ Would this make it easier or harder to sell and acquire such rights?
21. What practical changes would Australian viewers see from the imposition of coverage obligations?

Transparency: information disclosure and information gathering

Status

The anti-siphoning scheme does not require parties subject to the scheme, or any other persons or entities, to disclose information to the ACMA regarding the rights to anti-siphoning listed events, or to the coverage afforded to an anti-siphoning listed event.

The ACMA administered a non-regulatory monitoring framework relating to the coverage of events on the anti-siphoning list between 2006 and 2008. This process included requests for coverage information from broadcasters.

The ACMA has a broad range of investigatory powers under the BSA and functions under the *Australian Communications and Media Authority Act 2005*. In particular, the ACMA's information gathering powers are very broad and extend to persons, bodies and groups other than broadcasters and include the capacity to order a person to produce documents relevant to the subject matter of an investigation.

Discussion

The introduction of a requirement for entities to routinely notify the ACMA of the rights held to anti-siphoning listed events may assist the regulator with its oversight of the anti-siphoning scheme. However, any such obligation would impose compliance costs on industry and there are likely to be concerns about the commercial sensitivity of some of the information to be disclosed.

A requirement for broadcasters or other entities to disclose information to the regulator regarding the coverage of anti-siphoning listed events is likely to enhance transparency for government and the public regarding the coverage of iconic and important events. However, as with rights information, any such obligation to disclose this type of information would impose a compliance burden on the affected parties that would need to be considered.

There is likely to be a stronger case for disclosure requirements if the anti-siphoning scheme were to operate as (or otherwise include) an 'offer-based rule' (discussed above). With this type of scheme, the ACMA would need accurate and timely information on the rights offers made to free-to-air broadcasters, and potentially other parties, in order to effectively administer the scheme.

Similarly, if the anti-siphoning scheme were to include a coverage obligation for anti-siphoning listed events, then there would be a case for a disclosure obligation to enable the regulator to oversee and enforce the coverage requirement.

Questions:

22. Is there a case for the imposition of an information disclosure requirement regarding the rights held to anti-siphoning listed events? What are the upfront and ongoing compliance costs for such an obligation likely to be? Are you able to quantify or provide estimates of any such costs? What may be some of the considerations relevant to the kinds of information that would be disclosed regarding these rights (e.g. any commercial sensitivities)?
23. Is there a case for the imposition of an information disclosure requirement regarding the coverage of events on the anti-siphoning list? What are the upfront and ongoing compliance costs for such an obligation likely to be? Are you able to quantify or provide estimates of any such costs?
24. How should any information disclosure requirement – whether relating to rights of coverage – integrate with other changes to the scheme?

25. Should a rights and / or coverage disclosure obligation be mandatory (enforceable through primary or subordinate legislation), or should any disclosure be voluntary?

Chapter 6: The composition of the anti-siphoning list

Sports on the anti-siphoning list

Status

The current anti-siphoning list expires on 1 April 2023. If the scheme is to continue, a new list will need to be made before this time. This presents an opportunity to consider the sports that should be included in a new list.

Discussion

As noted above, there are currently eleven sports (including the Olympic and Commonwealth Games) on the anti-siphoning list.

Table 4: Sports currently included on the anti-siphoning list

Sport		
Olympic Games	Commonwealth Games	Horse racing
AFL	Rugby League	Rugby Union
Cricket	Soccer	Tennis
Netball	Motor Sports	

The anti-siphoning list has been amended a number of times since its introduction. Most recently, in 2017 golf and a number of international events were removed from the list.

The review will consider the composition of a new list, including both the sports and events that are represented. An important question in this regard relates to gender.

At present, a number of competitions represented on the anti-siphoning list effectively refer – either by naming convention or by the absence of alternative wording – to the men’s competition. In part, this reflects the fact that these particular men’s competitions have a long history and have traditionally received extensive free-to-air television coverage and commanded significant audiences.

It is also the case that a number of women’s competitions have generally only come into existence relatively recently. For example, in AFL, the AFLW’s first game was in February 2017. Similarly, in rugby league, the NRLW’s first season began in September 2018.

The review will consider whether it is appropriate for these and other women’s competitions to be added to the anti-siphoning list.

The current anti-siphoning list also only includes sports, and does not include other events that may be of national importance and cultural significance. This might include, for example, the ANZAC Day commemorations. However, as noted in Chapter 4, the broadcast and media rights for these non-sporting events are typically not made available or traded on an exclusive basis. Broadcasters can choose to provide

coverage of such events, and hence there is a lower risk of such events being siphoned behind a paywall compared with sporting events.

Questions:

26. Are any changes warranted to the sports on the anti-siphoning list? Should any sports be added? Should any be removed?
27. Should the anti-siphoning list include the comparable women's competitions of the events on the current list that, by naming convention or omission, only apply to the men's competitions?
28. Are there other women's events — that don't have a comparable men's format — that should be added?
29. What impact would these possible inclusions or exclusions have on free-to-air broadcasters, subscription broadcasters, online service providers, the relevant sports bodies and Australian viewers? Are you able to quantify or estimate these impacts?
30. Should non-sporting events be included for consideration on the anti-siphoning list? If so, which events? Is television coverage of these events being siphoned behind a paywall and not freely available to Australians, or is there a risk of this occurring?

Events on the anti-siphoning list

Status

The anti-siphoning list does not apply to every event within a given sport. Rather, the anti-siphoning list has historically included the 'premier' of highest tier domestic competitions within a given sport, or those aspects of international competitions that involve an Australian connection.

Discussion

As with the question of which sports should be included on the anti-siphoning list, there is no simple or uniform set of rules that enables an unambiguous decision on whether an event should be included on the list.

- Sporting competitions and events are generally quite unique (even within a particular sport, such as cricket), and an assessment of the case for its inclusion on the anti-siphoning list will require a balancing of factors.
- Audiences for a given sport are an obvious criterion and have the advantage of being quantifiable and independently verifiable.

Attachment C provides average audience data for free-to-air television coverage of events on the current anti-siphoning list over the past five years, along with average audience figures for a range of other sports. Interested parties are encouraged to review this data in considering the question of which events should be included on a future anti-siphoning list.

While audience numbers are a proxy for popularity (and therefore importance), they need to be considered in context. For example, a sport with an average audience across the five mainland capital cities of less than 200,000 viewers (low) provides a *prima facie* case for its removal from the anti-siphoning list. However, this rule cannot be applied to all sports, and other factors may be relevant.

Events on the anti-siphoning list were last modified in 2017, when golf, tennis and soccer events were removed. In making these changes, the then Government applied the following criteria which, in turn, drew on the ‘use-it-or-lose-it’ guidelines issued by the ACMA in 2007:

- whether there is a history of broadcast rights being acquired by a free-to-air broadcaster;
- where the rights have been acquired by a free-to-air broadcaster, the nature and extent of the coverage provided (i.e. whether live or delayed, full or partial);
- the size of the audience where events have been televised by a free-to-air broadcaster; and
- whether the event in question would be considered to have some degree of ‘national significance’ (for example, where it involves an Australian representative team).

The current anti-siphoning list includes each event held as part of the Summer and Winter Olympic Games. As part of the review, consideration will be given to the inclusion of events held as part of the Summer and Winter Paralympic Games.

Questions:

31. What events should be added to or removed from the anti-siphoning list? Please provide specific recommendations.
32. What factors or circumstances do you consider to be important in recommending the retention, inclusion or removal of particular events from the anti-siphoning list?
 - ☐ To what extent do average audience numbers influence or inform your recommendation?
33. What impact would these possible inclusions or exclusions have on free-to-air broadcasters, subscription broadcasters, online service providers, sports bodies and Australian viewers? Are you able to quantify or estimate these impacts?

Differentiated regulation – a two-tier list

Status

All events on the anti-siphoning list are subject to the same level of regulation. That is, subscription television broadcasting licensees are prevented from acquiring the right to televise any event on the anti-siphoning list unless a commercial television broadcasting licensee, or a national broadcaster, has the right to televise the event, or it is less than 26 weeks until the event’s commencement (in which case it is automatically delisted).

Discussion

The current anti-siphoning list contains a diverse range of sporting events. These events differ in terms of format, frequency and duration. Most are discrete and occur in isolation from other events from within the same competition (such as V8 Supercars races, netball tests, and T20 cricket matches). Other events involve simultaneous play where there are multiple events taking place at the one time (such as the Australian Open tennis, the Summer and Winter Olympics, and the Commonwealth Games).

There is also a ‘hierarchy’ of events within a given sport. The AFL Grand Final, the NRL Grand Final, the Melbourne Cup, the Bathurst 1000 and the State of Origin are ‘marquee’ events that occupy a defined position on the Australian sporting calendar. Other fixtures in these competitions (home and away matches for AFL and NRL Premiership, other rounds of the V8 Supercars) – while popular – do not occupy the same position in the national psyche.

If the current breadth of sports is to be retained on a future anti-siphoning list – covering the period from April 2023 onwards – there may be merit in considering the application of different levels of regulation to different events, rather than treating all events equally. The objective of such an approach would be to apply the strongest level of regulation to those events that are of clear and demonstrable national significance (tier one of a two-tier model), while allowing for more flexibility and potentially greater access by subscription-based providers to the rights to televise events on a second tier which do not hold the same national resonance as tier one events.

The differences in regulation between the two tiers could be based on a number of factors, and these factors will not necessarily mutually exclusive. The following example is provided for illustrative purposes.

Tier 1

Subscription television broadcasting licensees (and subscription-based media providers if the scheme is extended to online services) would be prohibited from acquiring the right to televise a Tier 1 event until a free-to-air broadcaster acquires a right. This would mirror the current scheme, including the current 26-week automatic delisting period.

The Minister would have the capacity to retain events on the anti-siphoning list where a free-to-air broadcaster hadn't had a reasonable opportunity to acquire the rights, as with the current scheme.

However, in a departure from current arrangements, Tier 1 events would be subject to live coverage obligations and the broadcaster would be required to offer any rights it didn't fully use to other broadcasters (under the existing anti-hoarding rules, or another form of must-offer requirement).

Tier 2

Subscription television broadcasting licensees (and subscription-based media providers if the scheme is extended to online services) prohibited from acquiring the right to televise a Tier 2 event until a free-to-air broadcaster acquires a right. This would be as per the current scheme.

However, the automatic delisting period would be longer for this Tier (indicatively, 2 years rather than 26 weeks), enhancing the ability of subscription-based media providers to bid to acquire the rights. The Minister would not have the capacity to override the automatic delisting arrangements (unlike Tier 1).

In addition, Tier 2 events would not be subject to live coverage or must-offer obligations, unlike Tier 1.

Questions:

34. Is there merit in considering differentiated regulation for events on the anti-siphoning list, or should regulation remain homogenous for all listed events?
35. If differentiated regulation is pursued, what form should this take?
 - ☐ Two or more tiers, or some other form of differentiating between events on the anti-siphoning list?
 - ☐ How would this new arrangement be integrated with other amendments to the scheme?
36. What impact would a differentiated regulation have on decisions made by industry regarding media rights to sporting events, both listed and unlisted? Would this make it easier or harder to sell and acquire rights under this general model?
37. Would a differentiated regulatory framework have a positive or negative impact on Australian viewers?

Delisting arrangements

Status

Events on the anti-siphoning list are ‘automatically delisted’ 26 weeks before their commencement, thus allowing a subscription television broadcasting licensee to acquire the right to televise an event irrespective of whether a right has been acquired by a free-to-air broadcaster. The Minister may override the automatic delisting of an event if he or she believes a free-to-air broadcaster has not had a ‘reasonable opportunity’ to purchase the rights. The Minister can also remove an event from the anti-siphoning list, separate from the automatic delisting arrangements.⁹¹

Discussion

The 26-week automatic delisting period was extended from 12 weeks in 2017, providing subscription television broadcasting licensees with greater opportunity to acquire rights without restriction under the scheme. The review will consider whether the 26-week period remains appropriate in the contemporary media environment, noting that many rights deals are struck well in advance of 26 weeks from the commencement of an event. For example, the rights arrangements for the Olympics and the world cup finals for various sports are typically settled many years in advance of the events taking place.

Questions:

38. Are the current de-listing provisions appropriate and effective?
 - ☐ If not, what changes would you recommend?
 - ☐ In what way would any such changes be integrated with other amendments to the scheme?
39. Is the automatic de-listing period of 26 weeks too long, or too short, for rights arrangements to be settled and for relevant parties to effectively promote events to audiences?

⁹¹ *Broadcasting Services Act 1992*, Subsection 115(2)

Attachment A: Consultation questions

Making a submission

Publication of submissions and confidentiality

The scheme

The anti-siphoning list

The anti-hoarding rules

Administration and enforcement

More providers, more choice

A large number of Australians watch sport

Sport remains an important genre for broadcasters

The value of sports rights continues to grow

Online services are playing a greater role

International trends highlight the growth in online coverage

Policy objective

1. Is the objective of ensuring that Australians continue to have free access to nationally important and culturally significant events still relevant and appropriate? What changes to this objective, if any, would you propose?
 - ☐ Should the scheme seek to define what constitutes ‘nationally important and culturally significant’? Is so, in what way? Is popularity a proxy for importance and significance, or are other inputs or variables relevant?
 - ☐ Should other factors, in addition to free access to events, be considered for the objective?
2. What does, or should, ‘free access’ to events mean?
 - ☐ Is an event ‘free’ only if it is shown on free-to-air television, or could availability via an online service without a direct access fee (such as a BVOD or streaming service) also satisfy this criterion?
 - ☐ Does having to pay for internet access alter your perspective on whether these events are ‘free’ to access?
3. Should the policy objective be rationalised to focus on sporting events (which, in practical terms, is where the anti-siphoning scheme operates today), or remain broadly cast to include any events?

Policy mechanism

4. Is the anti-siphoning scheme the right mechanism to support the achievement of the stated policy objective of ensuring access to important sporting events?
5. To what extent does the anti-siphoning scheme deliver on its stated objective, particularly for audiences?
6. How does the anti-siphoning scheme alter decisions made in your industry regarding media rights to sporting events, both listed and unlisted? Does it make it easier or harder to sell and acquire such rights?
7. Does the anti-siphoning scheme impose compliance cost on industry? Is it possible to quantify or estimate these costs? Would any changes to the operation of the scheme potentially alter these compliance costs?

Application of the scheme to new media

8. Is the trend of exclusive rights acquisition by subscription-based online services evident in overseas markets likely to be replicated in Australia? If so, under what timeframes and circumstances?
9. Should the anti-siphoning scheme be extended to cover online services and digital platforms and services? If so, should broadcasting and digital rights be treated in the same manner under the scheme (homogenous regulation), or should different restrictions and obligations apply to each?
10. What impact would the potential extension of the scheme to online services have on industry? Is this potential impact able to be quantified or estimated?
11. What are the potential positive and negative impacts of extending the scheme to online services for Australian viewers? Is this potential impact able to be quantified or estimated?

Regulatory rule: acquisition, conferral or offer?

12. Do you consider that an offer- or conferral-based rule for the anti-siphoning scheme should be considered?
 - ☐ If so, under what circumstances would either one or both of these alternatives provide advantages over an acquisition-based rule?
 - ☐ Should these alternatives seek to ensure that the offer or conferral has been made on reasonable terms? How would this be achieved?
13. What impact on business would the move to an offer or conferral-based rule have? Are these potential impacts able to be quantified or estimated?
14. What impact would the adoption of an offer- or conferral-based rule have for Australian viewers? Are these potential impacts able to be quantified or estimated?

Use and disposal of a right to televise an event

15. Is there evidence that the rights to anti-siphoning listed events are being acquired but not used by any party in the contemporary media environment?
 - ☐ If so, in what circumstances is this taking place?
 - ☐ Is this resulting in a detrimental coverage outcome for Australian audiences?
16. Is a regulatory mechanism necessary to prevent the hoarding of rights to anti-siphoning listed events?
 - ☐ If so, should this be the anti-hoarding rule (in its current form), an amended anti-hoarding rule, or a new regulatory mechanism?

- ☐ What impact would the mechanism have on free-to-air broadcasters, subscription broadcasters, online service providers, the relevant sports bodies, and audiences? Are you able to quantify or provide an estimate of these impacts?
 - ☐ How would the anti-hoarding mechanism be integrated with other potential changes to the scheme, including the potential extension to online services?
17. Are there other circumstances where contractual or other arrangements for the right to televise events on the anti-siphoning list are being used to subvert the intent of the scheme? Can you provide examples?

Coverage of anti-siphoning listed events

18. Are you concerned about broadcast coverage of events on the anti-siphoning list? Please provide specific examples.
19. Is there a need for coverage obligations to be introduced for free-to-air broadcasters that acquire the rights to anti-siphoning listed events?
- ☐ If so, what form should those obligations take?
 - ☐ Should they be applied to specific events, or all events on the anti-siphoning list?
 - ☐ How should coverage obligations be integrated with other reforms to the anti-siphoning scheme?
20. Would the imposition of coverage obligations alter decisions made by industry regarding media rights to sporting events, both listed and unlisted?
- ☐ Would this make it easier or harder to sell and acquire such rights?
21. What practical changes would Australian viewers see from the imposition of coverage obligations?

Transparency: information disclosure and information gathering

22. Is there a case for the imposition of an information disclosure requirement regarding the rights held to anti-siphoning listed events? What are the upfront and ongoing compliance costs for such an obligation likely to be? Are you able to quantify or provide estimates of any such costs? What may be some of the considerations relevant to the kinds of information that would be disclosed regarding these rights (e.g. any commercial sensitivities)?
23. Is there a case for the imposition of an information disclosure requirement regarding the coverage of events on the anti-siphoning list? What are the upfront and ongoing compliance costs for such an obligation likely to be? Are you able to quantify or provide estimates of any such costs?
24. How should any information disclosure requirement – whether relating to rights of coverage – integrate with other changes to the scheme?
25. Should a rights and / or coverage disclosure obligation be mandatory (enforceable through primary or subordinate legislation), or should any disclosure be voluntary?

Sports on the anti-siphoning list

26. Are any changes warranted to the sports on the anti-siphoning list? Should any sports be added? Should any be removed?
27. Should the anti-siphoning list include the comparable women's competitions of the events on the current list that, by naming convention or omission, only apply to the men's competitions?
28. Are there other women's events — that don't have a comparable men's format — that should be added?

29. What impact would these possible inclusions or exclusions have on free-to-air broadcasters, subscription broadcasters, online service providers, the relevant sports bodies and Australian viewers? Are you able to quantify or estimate these impacts?
30. Should non-sporting events be included for consideration on the anti-siphoning list? If so, which events? Is television coverage of these events being siphoned behind a paywall and not freely available to Australians, or is there a risk of this occurring?

Events on the anti-siphoning list

31. What events should be added to or removed from the anti-siphoning list? Please provide specific recommendations.
32. What factors or circumstances do you consider to be important in recommending the retention, inclusion or removal of particular events from the anti-siphoning list?
 - ☐ To what extent do average audience numbers influence or inform your recommendation?
33. What impact would these possible inclusions or exclusions have on free-to-air broadcasters, subscription broadcasters, online service providers, sports bodies and Australian viewers? Are you able to quantify or estimate these impacts?

Differentiated regulation – a two-tier list

34. Is there merit in considering differentiated regulation for events on the anti-siphoning list, or should regulation remain homogenous for all listed events?
35. If differentiated regulation is pursued, what form should this take?
 - ☐ Two or more tiers, or some other form of differentiating between events on the anti-siphoning list?
 - ☐ How would this new arrangement be integrated with other amendments to the scheme?
36. What impact would a differentiated regulation have on decisions made by industry regarding media rights to sporting events, both listed and unlisted? Would this make it easier or harder to sell and acquire rights under this general model?
37. Would a differentiated regulatory framework have a positive or negative impact on Australian viewers?

Delisting arrangements

38. Are the current de-listing provisions appropriate and effective?
 - ☐ If not, what changes would you recommend?
 - ☐ In what way would any such changes be integrated with other amendments to the scheme?
39. Is the automatic de-listing period of 26 weeks too long, or too short, for rights arrangements to be settled and for relevant parties to effectively promote events to audiences?

Attachment B: Current anti-siphoning list

1 Name of Notice

This Notice is the *Broadcasting Services (Events) Notice (No. 1) 2010*.

4 Events or events of a kind the televising of which should be available free to the general public

The events specified in the Schedule are events, or events of a kind, the televising of which should, in my opinion, be available free to the general public.

Schedule

1 Olympic Games

- (1) Each event held as part of the Summer Olympic Games, including the Opening Ceremony and the Closing Ceremony.
- (2) Each event held as part of the Winter Olympic Games, including the Opening Ceremony and the Closing Ceremony.

2 Commonwealth Games

Each event held as part of the Commonwealth Games, including the Opening Ceremony and the Closing Ceremony.

3 Horse racing

Each running of the Melbourne Cup organised by the Victoria Racing Club.

4 Australian rules football

Each match in the Australian Football League Premiership competition (including the Finals Series).

5 Rugby league football

- (1) Each match in the National Rugby League Premiership competition (including the Finals Series).
- (2) Each match in the National Rugby League State of Origin Series.
- (3) Each international rugby league test match that:
 - (a) involves the senior Australian representative team; and
 - (b) is played in Australia or New Zealand.
- (4) Each match of the Rugby League World Cup that:
 - (a) involves the senior Australian representative team; and
 - (b) is played in Australia, New Zealand or Papua New Guinea.

6 Rugby union football

- (1) Each international test match that:
 - (a) involves the senior Australian representative team selected by the Australian Rugby Union; and
 - (b) is played in Australia or New Zealand.
- (2) Each match of the Rugby World Cup tournament that involves the senior Australian representative team selected by the Australian Rugby Union.
- (3) The final of the Rugby World Cup tournament.

7 Cricket

- (1) Each test match that:
 - (a) involves the senior Australian representative team selected by Cricket Australia; and
 - (b) is played in Australia.
- (2) Each test match that:
 - (a) involves both:
 - (i) the senior Australian representative team selected by Cricket Australia; and
 - (ii) the senior English representative team; and
 - (b) is played in the United Kingdom.
- (3) Each one day cricket match that:

- (a) involves the senior Australian representative team selected by Cricket Australia; and
- (b) is played in Australia.
- (4) Each Twenty20 cricket match that:
 - (a) involves the senior Australian representative team selected by Cricket Australia; and
 - (b) is played in Australia.
- (5) Each match of the International Cricket Council One Day International World Cup that:
 - (a) involves the senior Australian representative team selected by Cricket Australia; and
 - (b) is played in Australia or New Zealand.
- (6) The final of the International Cricket Council One Day International World Cup if the final is played in Australia or New Zealand.
- (7) Each match of the International Cricket Council World Twenty20 tournament that:
 - (a) involves the senior Australian representative team selected by Cricket Australia; and
 - (b) is played in Australia or New Zealand.
- (8) The final of the International Cricket Council World Twenty20 tournament if the final is played in Australia or New Zealand.

8 Soccer

- (1) Each match of the Fédération Internationale de Football Association World Cup tournament that involves the senior Australian representative team selected by the Football Federation Australia.
- (2) The final of the Fédération Internationale de Football Association World Cup tournament.
- (3) Each match in the Fédération Internationale de Football Association World Cup Qualification tournament that:
 - (a) involves the senior Australian representative team selected by the Football Federation Australia; and
 - (b) is played in Australia.

9 Tennis

- (1) Each match in the Australian Open tennis tournament.
- (2) Each match in each tie of the International Tennis Federation Davis Cup World Group tennis tournament that:
 - (a) involves an Australian representative team; and
 - (b) is played in Australia.
- (3) The final of the International Tennis Federation Davis Cup World Group tennis tournament if the final involves an Australian representative team.

10 Netball

- (1) A semi-final of the Netball World Cup if the semi-final involves the senior Australian representative team selected by the All Australian Netball Association.
- (2) The final of the Netball World Cup if the final involves the senior Australian representative team selected by the All Australian Netball Association.

11 Motor sports

- (1) Each race in the Fédération Internationale de l'Automobile Formula One World Championship (Grand Prix) held in Australia.
- (2) Each race in the Fédération Internationale de Motocyclisme Moto-GP held in Australia.
- (3) Each Bathurst 1000 race in the V8 Supercars Championship Series.

Attachment C: Average free-to-air audiences for major sports

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SPORT	COMPETITION OR EVENT	DETAILS OF AVERAGE	2015	2016	2017	2018	2019	2020	2021	2022
FOOTBALL										
Australian Rules Football	AFL Men's Grand Final	Single match	2,645,000	3,070,000	2,715,000	2,610,000	2,214,000	3,011,000	3,042,000	enc
	AFL Men's Premiership	Friday night average	nda	642,000	539,000	627,000	574,000	592,000	566,000	enc
	AFL Women's Grand Final	Single match	nh	nh	442,000	189,000	315,000	covid	288,000	213,000
	AFL Women's Premiership	Average of timeslot with the most games played each year ¹	nh	nh	236,000	89,000	122,000	85,000	82,000	56,000
National Rugby League	NRL Grand Final	Single match	2,458,000	2,663,000	2,308,000	2,141,000	1,868,000	2,106,000	2,206,000	enc
	NRL Premiership	Friday night average	nda	484,000	448,000	381,000	371,000	355,000	339,000	enc
	NRL-W Grand Final	Single match	nh	nh	nh	275,000	321,000	341,000	⇒	117,000
	NRL-W Premiership	All matches average ²	nh	nh	nh	67,000	73,000	62,000	⇒	72,000
	State of Origin (Men)	Average audience - Match 1	2,468,000	2,733,000	2,371,000	2,343,000	2,190,000	1,606,000	1,927,000	enc
	State of Origin (Women)	Single match	nh	nh	nh	383,000	386,000	328,000	303,000	enc
International Rugby League	International Test Matches (Men) ³	Single match	972,000	410,000	863,000	192,000	437,000	nda	nda	enc
	International Test Matches (Women)	Single match	nda	191,000	192,000	nda	31,000	nda	nda	enc
	Rugby League World Cup (Men)	Matches involving Australia average	nh	nh	723,000	nh	nh	nh	⇒	enc
	Rugby League World Cup Final (Men)	Single match	nh	nh	955,000	nh	nh	nh	⇒	enc
	Rugby League World Cup (Women)	Matches involving Australia average	nh	nh	49,000	nh	nh	nh	⇒	enc
	Rugby League World Cup Final (Women)	Single match	nh	nh	132,000	nh	nh	nh	⇒	enc
Rugby Union Football	International Test Matches (Men)	Average audience - Aus v NZ matches	581,000	400,000	431,000	nfta	nfta	425,000	321,000	enc
	International Test Matches (Women)	nda	nda	nda	nda	nda	nda	nda	nda	enc
	Rugby World Cup (Men)	All matches average	nda	nh	nh	nh	361,000	nh	nh	nh

SPORT	COMPETITION OR EVENT	DETAILS OF AVERAGE	2015	2016	2017	2018	2019	2020	2021	2022
	Rugby World Cup Grand Final (Men)	Single match	548,000	nh	nh	nh	542,000	nh	nh	nh
	Rugby World Cup (Women)	nda	nh	nh	nfta	nh	nh	nh	nfta	nh
	Rugby World Cup Grand Final (Women)	nda	nh	nh	nfta	nh	nh	nh	nfta	nh
	Super Rugby AU	All matches average	nda	nda	nda	nda	nda	170,000	nfta	nfta
	Super W	All matches average	nh	nh	nh	nfta	nfta	nfta	nfta	16,000
INTERNATIONAL MULTI-SPORT EVENTS										
Olympic Games	Summer Olympics Opening Ceremony	Single event	nh	1,617,000	nh	nh	nh	⇒	2,654,000	nh
	Summer Olympics Events	Evening broadcast average	nh	847,000	nh	nh	nh	⇒	1,190,000	nh
	Winter Olympics Opening Ceremony	Single event	nh	nh	nh	1,028,000	nh	nh	nh	411,000
	Winter Olympics Events	Evening broadcast average	nh	nh	nh	758,000	nh	nh	nh	516,000
Commonwealth Games	Opening Ceremony	Single event	nh	nh	nh	2,035,000	nh	nh	nh	202,000
	Commonwealth Games Events	Evening broadcast average	nh	nh	nh	1,090,000	nh	nh	nh	626,000
HORSE RACING										
Melbourne Cup	The Race	Single event	2,130,000	2,066,000	1,821,000	1,908,000	1,441,000	1,412,000	1,213,000	enc
CRICKET										
International Cricket	International Test Matches (Men)	Session 3 average on main channel ⁴	964,000	681,000	1,105,000	1,091,000	606,000	707,000	715,000	796,000
	International Test Matches (Women)	Session 1 average	nda	nda	nda	nda	88,000	nda	86,000	109,000
	One Day International (Men)	Session 2 average on main channel ⁵	1,149,000	1,141,000	937,000	992,000	137,000	nfta	nfta	nfta
	One Day International (Women)	Session 2 average	nda	nda	nda	nda	82,000	96,000	88,000	78,000
	T20 (Men)	All matches average	nda	1,093,000	662,000	917,000	nfta	nfta	nfta	nfta
	T20 (Women)	All matches average	nda	170,000	134,000	219,000	87,000	162,000	166,000	128,000
Domestic Cricket	Big Bash League (Men)	All sessions on main channel	600,000	770,000	717,000	652,000	481,000	435,000	393,000	337,000
	Big Bash League Grand Final (Men)	Grand final sessions	805,000	1,082,000	916,000	914,000	568,000	580,000	624,000	464,000
	Big Bash League (Women)	All sessions on main channel	nh	nda	nda	157,000	146,000	146,000	132,000	134,000
	Big Bash League Grand Final (Women)	Grand final sessions	nh	nda	nda	143,000	245,000	181,000	217,000	230,000

SPORT	COMPETITION OR EVENT	DETAILS OF AVERAGE	2015	2016	2017	2018	2019	2020	2021	2022
SOCCER										
FIFA Women's World Cup	WWC Qualifying Rounds	Matches involving Australia average	nh	nh	nfta	nfta	nh	nh	nh	115,000
	WWC Tournament	Matches involving Australia average	119,000	nh	nh	nh	193,000	nh	nh	nh
	WWC Grand Final	Single match	104,000	nh	nh	nh	58,000	nh	nh	nh
FIFA World Cup	World Cup Qualifying Rounds	Matches involving Australia average	97,000	202,000	405,000	nh	105,000	nh	137,000	122,000
	World Cup Tournament	Matches involving Australia average ⁶	934,000	nh	nh	1,391,000	nh	nh	nh	enc
	World Cup Grand Final	Single match ⁶	884,000	nh	nh	538,000	nh	nh	nh	enc
Australian A-League	Men's A-League Matches	All matches average	nda	nda	nda	51,000	51,000	51,000	42,000	60,000
	Men's A-League Grand Final	Single match	nda	nda	nda	193,000	215,000	23,000	18,000	120,000
	Women's A-League Matches	All matches average	nda	nda	nda	12,000	11,000	31,000	27,000	14,000
	Women's A-League Grand Final	Single match	nda	nda	nda	27,000	38,000	53,000	60,000	22,000
International Soccer	International Test Matches (Men)	Average of games involving the Socceroos	nda	nda	47,000	nda	73,000	nda	nda	10,000
	International Test Matches (Women)	Average of games involving the Matildas ⁷	85,000	nda	64,000	nfta	160,000	43,000	203,000	73,000
NETBALL										
International Netball	Netball World Cup Semi-Finals	Single match	115,000	nh	nh	nh	173,000	nh	nh	nh
	Netball World Cup Finals	Single match	366,000	nh	nh	nh	68,000	nh	nh	nh
	International Test Matches	All matches on main channel where possible	78,000	39,000	101,000	110,000	104,000	covid	77,000	enc
Super Netball	Super Netball Matches	All matches average (excluding finals)	nda	nda	63,000	87,000	90,000	94,000	93,000	enc
	Super Netball Finals	Average of finals	nda	nda	127,000	146,000	133,000	115,000	123,000	enc
TENNIS										
Australian Open	Day 1-7	Average of night time sessions, main channel	958,000	848,000	695,000	772,000	713,000	782,000	639,000	741,000
	Men's Singles Final	Single session	1,882,000	1,634,000	2,686,000	1,739,000	1,590,000	1,531,000	1,173,000	1,620,000
	Women's Single Final	Single session	1,020,000	1,482,000	1,307,000	1,027,000	1,178,000	892,000	853,000	2,591,000
Wimbledon	Day 1-7	Average of late sessions, main channel	nda	nda	196,000	189,000	191,000	covid	150,000	enc

SPORT	COMPETITION OR EVENT	DETAILS OF AVERAGE	2015	2016	2017	2018	2019	2020	2021	2022
	Men's Singles Final	Single session	684,000	399,000	500,000	281,000	411,000	covid	361,000	enc
	Women's Single Final	Single session	209,000	427,000	297,000	348,000	357,000	covid	1,547,000	enc
French Open	Day 1-7	Average of live sessions, main channel ⁸	nfta	nfta	nfta	61,000	47,000	37,000	74,000	enc
	Men's Singles Final	Single session	nfta	nfta	nfta	98,000	168,000	42,000	191,000	enc
	Women's Single Final	Single session	nfta	nfta	nfta	105,000	351,000	25,000	92,000	enc
US Open	Men's Singles Final	Single session	nfta	nfta	40,000	57,000	57,000	56,000	54,000	enc
	Women's Single Final	Single session	nfta	nfta	17,000	54,000	39,000	30,000	58,000	enc
Davis Cup	Matches involving Australia	Highest audience for matches involving Australia	189,000	206,000	169,000	297,000	66,000	82,000	16,000	enc
Billie Jean King Cup	Matches involving Australia	Highest audience for matches involving Australia	nfta	nfta	nfta	nfta	nfta	nfta	21,000	enc
MOTOR SPORTS										
Formula One	Melbourne F1 Grand Prix Race	Single event	1,075,000	871,000	713,000	668,000	691,000	covid	covid	enc
Moto GP	Phillip Island Race	Single event	422,000	199,000	183,000	250,000	166,000	covid	covid	enc
Supercars	Championship Series	Average of all races excluding Bathurst	403,000	329,000	277,000	259,000	276,000	177,000	210,000	enc
	Bathurst 1000 Race	Last 2 hours	1,099,000	1,007,000	1,151,000	861,000	1,024,000	796,000	915,000	enc
GOLF										
US Masters	US Masters Tournament	Last 2 hours of Day 4	130,000	98,000	104,000	55,000	63,000	37,000	80,000	enc
Australian Open	Australian Open Tournament	Last 2 hours of Day 4	359,000	439,000	167,000	249,000	267,000	covid	covid	enc

GENERAL NOTES

Source: OzTAM 5 City Metro I Consolidated 7 I Audience total or average as detailed by row I Dates as relevant to event | excludes Community TV and Subscription TV.

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All endeavours have been made to identify occurrences of matches and telecast arrangements on free-to-air broadcast. Any omissions from this table are not deliberate but reflect the complexity of TV ratings information. Competitions that span two calendar years (e.g. beginning in December 2021 and ending in February 2022) have been listed under the calendar year of their completion (e.g. 2022). The size of TV audiences for international events may be affected by time zone differences for different host countries year on year.

covid event cancelled due to COVID-19

nda data not sourced for this table, or occurrences of the event were unable to be identified

nfta event not broadcast on free-to-air television

<i>enc</i>	event or competition was not complete at the time of publication
<i>nh</i>	event not held
⇒	event delayed until the following year
SPECIFIC NOTES	
1	AFLW Premiership average reflects the average audience for all games played in a single timeslot that had the most games played in that year.
2	The 2021 NRLW premiership was held in 2022.
3	Rugby League international test matches do not include Four Nations tournament.
4	In 2018-2019 international cricket test matches were broadcast on both Nine and Seven networks. The average in this table reflects the network with the highest average audience for each year.
5	The 2019 men's One Day International Cricket figure reflects the ICC Cricket World Cup which was hosted in the UK.
6	In order to provide a comparison, audience figures for the 2014 FIFA World Cup are provided in the 2015 column.
7	Audience measures for the Matilda's games generally reflect audiences on the main network channel, except in 2017 and 2022. Multi-channel audiences better reflect the size of the audience for these years.
8	Note that for Days 1-7 averages of the French Open, in 2018-2020 the network naming convention reflected Live and Late Live separately. The average for Live is reflected for these. For 2021 only Late Live data is available, therefore Late Live has been reflected in this cell.