

**commonwealth
sport**

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Media Reform - Online Safety, Media and Platforms Division

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Review of the Anti-Siphoning Scheme – Response to Consultation Paper

I am writing, in response to the Anti-Siphoning Scheme Consultation Paper ("**Paper**") published by the Department of Infrastructure, Transport, Regional Development, Communications and the Art ("**Department**").

The Commonwealth Games Federation ("**CGF**"), is the global governing body for the Commonwealth Games ("**Games**") and the owner of certain intellectual property relating to the Games and reserves the right to commercially exploit all broadcast and/or narrowcast and/or any other form of communication rights relating to the transmission of the Games to the public, including those related to television, radio, and internet on a worldwide basis. CGF Partnerships (CGFP) is the CGF subsidiary responsible for commercialisation of the broadcast rights to the Games in Australia (the "**Rights**").

As stated in the Paper, the Games is an event listed on the Australian Anti-Siphoning List ("**List**") and therefore subject to the Anti-Siphoning Scheme ("**Scheme**"). Our views in relation to the Paper and the List are as follows:

1. Historically, the Rights have been in very high demand with Australian free-to-air ("**FTA**") broadcasters and have not been as sought after by Australian Pay-TV providers. Foxtel did share the Rights for the Delhi 2010 Commonwealth Games with an FTA provider, but no Pay-TV provider in Australia has obtained the rights since. Part of this is because the nature of the Games is a short-term event, once every four years, and therefore does not drive new subscribers as consumers are less inclined to subscribe to access a short-term event.
2. Accordingly, the Scheme has had little impact on the Commonwealth Games because the FTA broadcasters have, historically, been those that were most interested in obtaining the Rights.
3. However, the landscape of media distribution and sports broadcasting is rapidly evolving. In addition to FTA and Pay-TV broadcasters, alternative distribution mediums have emerged and now include streaming and OTT distributors, such as Amazon, DAZN and even social media platforms. Accordingly, we envisage a future where alternative distributors (i.e. non-FTA or Pay-TV) will be interested in obtaining the Rights and become realistic options to broadcast the Games.
4. Based on that, we would like the ability, in the future, to explore the possibility of granting elements of the Rights to less-traditional broadcasters which the Scheme, in its current form, would not allow. Therefore, we recommend the Scheme be altered to allow rights-holders to assign elements of the rights to their event to third parties (that may include streaming services) which are not FTA providers, rather than being totally restricted by the List.

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5. An additional point for consideration is that the 26-week period for automatic “de-listing” of events is too short a time cycle. In practice, typically the Rights are awarded approximately two to three years in advance of a Games.
6. Only having 26 weeks in advance of an event is too short a period to negotiate with non-FTA providers to arrange broadcast of the Games (or other events) in the event that no FTA distributor was secured. Accordingly, we recommend the automatic “de-listing” period be extended to two years in advance of an event.

Thank you for considering our views in relation to the Scheme. We would be happy to answer further questions should they arise.

Yours sincerely

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CEO, CGF Partnerships

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