

Foreign stakeholder interests in Australian media companies in 2022–23

Report to the Minister for Communications

DECEMBER 2023

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Contents

| | |
|---|-----------|
| Executive summary | 1 |
| Background | 3 |
| Register of Foreign Owners of Media Assets | 3 |
| Australian media companies | 3 |
| Media groups | 3 |
| Financial groups | 3 |
| Foreign stakeholders | 3 |
| Company interests and tracing provisions | 4 |
| Types of notifications | 4 |
| Information provided to the ACMA for inclusion on the FOMA register | 5 |
| Notifications for 2022–23 | 6 |
| Number of notifications submitted | 6 |
| Media companies | 8 |
| Number of foreign stakeholders | 10 |
| Types of stakeholders | 10 |
| Levels of foreign ownership | 11 |
| Sources of foreign investment in Australian media companies | 12 |
| Formal enforcement actions taken by the ACMA | 14 |
| Summary of key trends | 16 |
| Appendix A: Foreign persons associated with corporate groups | 17 |

Executive summary

Since 1 September 2018, foreign stakeholders with company interests of 2.5% or more in an Australian media company (AMC) have been required to notify the Australian Communications and Media Authority (the ACMA) of those interests.¹

The ACMA is required to maintain a register of Foreign Owners of Media Assets (FOMA register).²

After the end of each financial year, the ACMA is required to provide a report to the Minister for Communications about foreign stakeholder company interests in AMCs at the end of that year. The report may include observations about trends relating to foreign stakeholder interests.³ This is the fifth such report to the Minister, recording foreign stakeholder interests as at 30 June 2023.⁴

In summary, the ACMA makes the following observations for the 2022–23 financial year:

- > The ACMA received 173 notifications during the 2022–23 financial year. This compares to 240 and 213 for 2021–22 and 2020–21 respectively.^{5,6}
- > The majority of notifications were submitted by 5 financial groups of foreign stakeholders: UBS Group AG, Mitsubishi UFJ Financial Group Inc., Orbis Allan Gray, BlackRock Inc., and FIL Limited (7%).
- > As at 30 June 2023, there were 66 foreign stakeholders holding company interests of 2.5% or more in 152 AMCs. This compares to 70⁷ foreign stakeholders holding company interests of 2.5% or more in 147⁸ AMCs as at 30 June 2022. In 2022–23, 3 foreign persons became foreign stakeholders in AMCs for the first time, while another 9 foreign stakeholders ceased holding company interests of 2.5% or more in AMCs.
- > Foreign corporations were the main type of foreign stakeholder entity (86% of foreign stakeholders). Foreign trustees⁹ and individuals¹⁰ accounted for 7% and 2%, respectively, of total notifying foreign stakeholders. There were 4 foreign government

¹ Division 10A of Part 5 of the *Broadcasting Services Act 1992* (BSA).

² See section 74D of the BSA at: <https://www.acma.gov.au/register-foreign-owners-media-assets>.

³ Section 74R of the BSA.

⁴ The 4 previous reports can be found at:

<https://www.infrastructure.gov.au/department/media/publications/foreign-stakeholder-interests-australian-media-companies-2021-22>

<https://www.infrastructure.gov.au/department/media/publications/foreign-stakeholder-interests-australian-media-companies-2020-21>

<https://www.infrastructure.gov.au/department/media/publications/foreign-stakeholder-interests-australian-media-companies-2019-20>

<https://www.infrastructure.gov.au/media-centre/publications/foreign-stakeholder-interests-australian-media-companies-2018-19>

⁵ Notifications received do not include those requiring resubmission.

⁶ The reported number of notifications submitted in this report for the 2020–21 and 2021–22 financial years differs from those reported in earlier reports due to the notifications being received after the respective reports were published.

⁷ The reported number of foreign stakeholders for the 2020–21 and 2021–22 financial year differs from those reported in earlier reports due to the notifications being received after the respective reports were published.

⁸ The reported number of AMCs in this report for 2020–21 differs from those reported in earlier reports due to the notifications being received after the respective reports were published.

⁹ Both corporations and individuals.

¹⁰ Excluding trustees who are individuals.

investors¹¹ with interests of 2.5% or greater in AMCs as at 30 June 2023. With the exception of foreign government investors,¹² the share of notifications accounted for by different entity types has remained broadly consistent over the last three financial years.

- > Foreign stakeholder corporations can be categorised into 2 main types – media groups (for example, News Corporation and Paramount Global) and financial groups (for example, UBS Group AG, BlackRock Inc. and Orbis Allan Gray).
- > Foreign stakeholders associated with media groups typically had significantly higher levels of company interests in AMCs when compared to foreign stakeholders associated with financial groups. For example, the average level of company interests held by foreign stakeholders associated with media groups was around 26%, compared to around 4% for foreign stakeholders associated with financial groups.
- > Foreign stakeholders affiliated with both media groups and financial groups were concentrated in the United States and Australia¹³ (See Table 6).

¹¹COFCO Group, Norges Bank, State-owned Assets Supervision & Administration Commission and Yarra Capital Management Limited.

¹² As at 30 June 2023, there were 4 foreign government investors, the same number as at 30 June 2022, and 2 as at 30 June 2021.

¹³ The number of foreign stakeholders located in Australia is the result of corporate groups based in foreign countries having Australian-based subsidiaries or related bodies corporate.

Background

Register of Foreign Owners of Media Assets

The register of Foreign Owners of Media Assets (FOMA register) aims to improve transparency in the levels and sources of foreign investment in Australian media companies (AMCs). This is achieved by requiring foreign persons to notify the ACMA if they have company interests of 2.5% or more in an AMC.¹⁴

Australian media companies

'AMCs' are companies that hold commercial television or commercial radio broadcasting licences, and constitutional corporations that publish newspapers associated with a commercial television or commercial radio broadcasting licence area.¹⁵

Media groups

For the purpose of this report, 'media groups' are 2 or more related bodies corporate involved in television, radio, publishing, etc.

Financial groups

For the purpose of this report, 'financial groups' are involved in the investment management sector.

Foreign stakeholders

Under Division 10A of Part 5 of the [Broadcasting Services Act 1992](#) (BSA), a 'foreign stakeholder' is defined as a foreign person with company interests of 2.5% or more in an AMC. A 'foreign person' is defined in section 4 of the [Foreign Acquisitions and Takeovers Act 1975](#) (FATA), and is:

- > an individual not ordinarily resident in Australia; or
- > a corporation in which an individual not ordinarily resident in Australia, a foreign corporation or a foreign government holds a substantial interest; or
- > a corporation in which 2 or more persons, each of whom is an individual not ordinarily resident in Australia, a foreign corporation or a foreign government, hold an aggregate substantial interest; or
- > the trustee of a trust in which an individual not ordinarily resident in Australia, a foreign corporation or a foreign government holds a substantial interest; or
- > the trustee of a trust in which 2 or more persons, each of whom is an individual not ordinarily resident in Australia, a foreign corporation or a foreign government, hold an aggregate substantial interest; or
- > a foreign government; or
- > any other person, or any other person that meets the conditions, prescribed by the regulations.¹⁶

¹⁴ The FOMA register is available on the [ACMA website](#).

¹⁵ AMC is defined in section 74B of the BSA and section 6 of the BSA defines 'constitutional corporation' as a corporation to which paragraph 51(xx) of the Constitution applies.

¹⁶ *Foreign Acquisitions and Takeovers Regulation 2015*.

Company interests and tracing provisions

Section 8 of the BSA specifies the different types of company interests, which include shareholding, voting, dividend and winding-up interests.

‘Company interests’ is defined under section 6 of the BSA. A person’s company interests are the percentage of that interest or, if there are 2 or more interests, the greater, in percentage terms, of their shareholding interest, voting interest, dividend interest or winding-up interest.

The tracing provisions are set out in clause 8 of Schedule 1 to the BSA. Under these provisions, company interests can be traced through a chain of companies using the fractional tracing method. Foreign stakeholders must apply these tracing provisions when determining their company interests.

The effect of these provisions is that company interests can be traced through corporate groups. For example, while a company interest in an AMC may be held by the Australian-based subsidiary of a foreign person, all entities in the corporate group with traced interests of 2.5% or more in the AMC would also be considered foreign stakeholders in the AMC.

Types of notifications

At the commencement of Division 10A of Part 5 of the BSA, on 1 September 2018, foreign stakeholders were required to submit notifications under section 74J of the BSA by 28 February 2019.

Since then, foreign persons have been required to submit notifications under section 74F and section 74G of the BSA, respectively, as they became or ceased to be foreign stakeholders in AMCs. These notifications must be submitted within 30 days after the foreign person becomes or ceases to be a foreign stakeholder in an AMC.

In addition to ongoing notifications under sections 74F and 74G of the BSA, foreign stakeholders are required to submit notifications under section 74H of the BSA within 30 days after the end of the financial year.

Figure 1: Types of notifications

1 September 2018: Foreign persons who had company interests in AMCs of 2.5% or more were required to submit notifications under section **74J** of the BSA.



Since 1 September 2018: Foreign persons becoming and ceasing to be foreign stakeholders in AMCs are required to submit notifications under sections **74F** and **74G** of the BSA, respectively.



30 July each year: Deadline by which foreign stakeholders in AMCs are required to submit notifications of their company interests in AMCs as at the end of the preceding financial year under section **74H** of the BSA.

Information provided to the ACMA for inclusion on the FOMA register

Division 10A of Part 5 of the BSA requires foreign stakeholders to self-report their company interests in AMCs. Section 74E requires foreign stakeholders to provide 'designated information to the ACMA'. The ACMA also requests that foreign stakeholders include a corporate chart with their notification and certify that the information in their notification form is true and correct, but this is not a requirement under the BSA.

The provisions of the BSA which require foreign stakeholders to provide the designated information are civil penalty provisions.¹⁷

In the event that the ACMA is not satisfied with the completeness or accuracy of the information that has been provided, section 74K of the BSA enables the ACMA, through written notice, to require a foreign stakeholder to notify the ACMA of certain information. This includes the interests in the company, the method used to determine those company interests and such other information (if any) relating to the foreign stakeholder, as specified by the ACMA. The failure to comply with a notice is also a civil penalty provision. The ACMA has not given such a notice in the reporting period. The ACMA has, however, cross-checked the information reported in notifications with available third-party information sources, where possible.

A notification can cover multiple AMCs and foreign persons. This means that the size and complexity of notifications can vary significantly. It also means that one notification can generate multiple records on the FOMA register.

Information required to be provided in all foreign stakeholder notifications:

- > the name of the foreign stakeholder
- > the circumstances that resulted in the person either becoming, being or ceasing to be a foreign stakeholder in the company at the end of the financial year
- > the foreign stakeholder's interests in the company¹⁸
- > the method used to determine those company interests¹⁹
- > the reason why the foreign stakeholder is a 'foreign' person.²⁰

¹⁷ These provisions do not require the provision of information by a person if it might incriminate the person or expose the person to a penalty.

¹⁸ This does not apply to section 74G notifications.

¹⁹ This does not apply to section 74G notifications.

²⁰ This does not apply to section 74G notifications.

Notifications for 2022-23

For the 2022–23 financial year, the ACMA experienced fewer errors in notifications and in the number of foreign stakeholders that were identified as not submitting required notifications, compared to the 2021–22 period. The reduced level of errors in notifications is likely to have been the result of foreign stakeholders becoming increasingly familiar with the notification requirements at Division 10A of Part 5 of the BSA, and due to stakeholder engagement by the ACMA.

Number of notifications submitted

As at 1 December 2023²¹, the ACMA had received 173 notifications for the 2022–23 financial year²² as shown in Table 1. This compares to 240 notifications for the 2021–22 financial year.²³ The decrease in total notifications submitted by foreign stakeholders was primarily due to the decrease in notifications submitted by BlackRock Inc, Orbis Allan Gray, and UBS Group AG.

Of the total notifications received in 2022–23, 67% were submitted by foreign stakeholders associated with 5 financial groups: UBS Group AG (28%), Mitsubishi UFJ Financial Group Inc. (16%), Orbis Allan Gray (9%), BlackRock Inc. (7%), and FIL Limited (7%).

A similar pattern was evident in 2021–22, with foreign stakeholders associated with UBS Group AG (27%), BlackRock Inc (20%), Orbis Allan Gray (14%) and Mitsubishi UFJ Financial Group Inc. (10%) accounting for 71% of notifications.

Foreign stakeholders associated with the Dimensional Fund Advisors, Vanguard Group, Paramount Global Inc (previously named ViacomCBS) and BPCE/Investors Mutual, News Corporation and Citigroup Global Markets Australia Pty Limited corporate groups submitted 24% of notifications, each submitting between 3% and 6% of total notifications in 2022–23. The remaining 9% of notifications were submitted by foreign stakeholders associated with financial groups, with the exception of Tully Sugar Limited, COFCO Sugar Holding Co Ltd (and related entities COFCO Sugar (Hong Kong) Limited, COFCO Group, and State-owned Assets Supervision & Administration Commission) (2%).

Of the 173 purported notifications submitted for the 2022–23 financial year, around 2% were determined by the ACMA to be invalid and required resubmission. This was a reduction on the 4% of total notifications considered to be invalid in 2021–22 and the same as the 2% of total notifications considered to be invalid in 2020–21.

²¹ We report as at December 2023 to include notifications for the 2022-23 financial year that were submitted since the financial year ended.

²² The number of notification forms submitted under sections 74F and 74G of the BSA does not align with the number of section 74H notification forms. This is because a notification form can cover multiple foreign stakeholders. For example, a foreign corporate group, with multiple foreign stakeholders, may have used a single notification form to lodge a notification under section 74F of the BSA, but then used multiple forms for the corresponding section 74H notifications.

²³ Notifications received do not include those requiring resubmission. The reported number of notifications received in this report for the 2020-21 and 2021-22 financial years differs from that reported in earlier reports due to the notifications being received after the respective reports were published.

Table 1: Number of notifications submitted ^{24, 25}

| Notification type ²⁶ | No. received | % of total | No. received | % of total | No. received | % of total |
|--|-----------------|---------------|-----------------|---------------|-----------------|---------------|
| | 2022-23 | 2022-23 | 2021-22 | 2021-22 | 2020-21 | 2020-21 |
| Notification by foreign persons becoming foreign stakeholders in AMCs post September 2018 (section 74F) | 45 | 26 | 72 | 30 | 47 | 22 |
| Notification by foreign persons ceasing to be foreign stakeholders in AMCs post September 2018 (section 74G) | 47 | 27 | 81 | 34 | 76 | 36 |
| Notification by foreign stakeholders in AMCs as at 30 June (section 74H) | 81 | 47 | 87 | 36 | 90 | 42 |
| Total | 173 | 100 | 240 | 100 | 213 | 100 |

The number of notifications submitted under section 74F and 74G decreased significantly in 2022-23. The number of notifications submitted under section 74H was slightly lower than in 2021-22.

Of all notifications received for the 2022-23 financial year, 53% were submitted under section 74F or section 74G of the BSA. Of these, 84% related to foreign stakeholders associated with UBS Group AG, Mitsubishi UFJ Financial Group Inc., BlackRock Inc, FIL Limited and Investors Mutual Limited.

It is likely that the concentration of notifications among these financial groups is because of the number of foreign stakeholders in these groups and the fluctuation of company interests around 2.5%.

²⁴ See Table 5 for the lowest and highest level of company interests held by foreign stakeholders in AMCs associated with these holding companies.

²⁵ The reported number of notifications submitted in this report for the 2020-21 and 2021-22 financial years differs from those reported in earlier reports due to the notifications being received after the respective reports were published.

²⁶ Does not include section 74J notifications as these were only relevant as at 1 September 2018.

Media companies

Within Australia, AMCs are typically grouped under holding companies, which may or may not be public companies listed on the Australian Stock Exchange. Examples of holding companies include Nine Entertainment Co. Holdings Limited, Southern Cross Media Group Limited, ARN Media Limited (previously HT&E Limited), News Corporation and Tabcorp Holdings Limited.²⁷

Due to the corporate structures under which AMCs are held, when a foreign stakeholder invests in or divests from a holding company, they are required to submit a notification for each associated AMC. A single transaction can result in a foreign stakeholder having to submit several notifications, depending on how many AMCs are owned by the holding company in question.

AMCs associated with Nine Entertainment Co. Holdings Limited, Tabcorp Holdings Limited, Southern Cross Media Group Limited, Network Ten Pty Ltd and ARN Media Limited (previously HT&E Limited) accounted for the largest share of total notifications submitted in 2022–23.

The most significant changes in share of notifications received for different media companies between 2021–22 and 2022–23 were the increase in Nine Entertainment Co. Holdings Limited's share of notifications from around 17% to 27% and in Network Ten Pty Ltd's share of notifications from around 4% to 13%, and the decline in News Corporation's share of notifications from around 17% to 5%.

Around 50% of total notifications were submitted under sections 74F and 74G of the BSA for company interests in AMCs associated with Nine Entertainment Co. Holdings Limited, Tabcorp Holdings Limited, Southern Cross Media Group Limited, and Network Ten Pty Ltd. This indicates that, as in 2020–21 and 2021–22, a large number of notifications submitted in the 2022–23 financial year were because foreign stakeholders' company interests in AMCs fluctuated above and below 2.5%, rather than the result of transactions that changed deemed control of associated AMCs.

Nine Entertainment Co. Holdings Limited accounted for the largest share of total notifications submitted under section 74H of the BSA in 2022–23. This was due to a relatively large number of financial groups holding company interests in Nine Entertainment Co. Holdings Limited, rather than because of a corporate structure that includes a large number of foreign persons. It also, in part, relates to Nine Entertainment Co. Holdings Limited owning less than 100% in one AMC it is associated with. Foreign stakeholders appear to find it more convenient to submit separate notifications for these AMCs.

²⁷ The number of AMCs varies significantly between notifications. Notifications are typically lodged for holding companies. As the number of AMCs associated with holding companies varies, so does the number of AMCs covered by each notification. For example, some holding companies hold interests in only one AMC, while others hold interests in around 60 AMCs. On average, holding companies reporting under Division 10A of Part 5 of the BSA held interests in 16 AMCs for the 2022–23 reporting period.

Table 2: Share of section 74H notifications by holding company

| Holding company | Share of notifications (%) ²⁸ | | |
|--|--|---------|---------|
| | 2022-23 | 2021-22 | 2020-21 |
| ARN Media Limited (previously HT&E Limited) | 15.2 | 12.3 | 12.9 |
| Nine Entertainment Co. Holdings Limited | 19.7 | 16.9 | 8.1 |
| Network Ten Pty Ltd | 15.2 | 12.3 | 12.9 |
| News Corporation | 9.1 | 7.7 | 9.7 |
| EON Broadcasting Pty Ltd | 0 | 0 | 1.6 |
| Prime Media Group Limited | 0 | 0 | 3.2 |
| Sports Entertainment Group Limited ²⁹ | 7.6 | 7.7 | 11.3 |
| Seven West Media Limited ³⁰ | 7.6 | 6.2 | 4.8 |
| Southern Cross Media Group Limited | 15.2 | 26.2 | 29.0 |
| Tabcorp Holdings Limited | 6.1 | 6.2 | 1.6 |
| Coastal Broadcasters Pty Ltd | 4.6 | 4.6 | 4.8 |

Table 3: Share of total notifications by holding company in 2022-23^{31, 32}

| Holding company ³³ | Share of notifications (%) | | | |
|---|----------------------------|-------------|-------------|-------|
| | Section 74F | Section 74G | Section 74H | Total |
| ARN Media Limited (previously HT&E Limited) | 1.4 | 0.0 | 7.1 | 8.5 |
| Nine Entertainment Co. Holdings Limited | 9.3 | 8.6 | 9.3 | 27.1 |
| Network Ten Pty Ltd | 2.9 | 2.9 | 7.1 | 12.9 |
| News Corporation | 0.0 | 0.7 | 4.3 | 5.0 |
| Sports Entertainment Group Limited | 0.0 | 0.0 | 3.6 | 3.6 |

²⁸ The reported percentages for share of notifications for the 2020-21 financial year differs from those reported in earlier reports due to notifications being received after the respective reports were published.

²⁹ Sports Entertainment Group Limited came into existence during the 2020-21 financial year. It was created from the entities that constituted Pacific Star Network Limited, which was referred in the 2018-19 and 2019-20 reports to the Minister.

³⁰ On 31 December 2021 Seven West Media Limited acquired the Prime Media Group Limited, which was referred to in the 2018-19, 2019-20 and 2020-21 reports to the Minister.

³¹ Percentage share for each notification type does not include notifications submitted for joint ventures. These notifications were not included to avoid double counting.

³² Apparent inconsistencies between number of notifications submitted under sections 74F, 74G and 74H of the BSA for individual holding companies may result from the different combinations of AMCs and foreign stakeholders included in individual notification forms.

³³ EON Broadcasting Pty Ltd sold its shares in Australian media company, Sunshine Coast Broadcasters Pty Ltd, to Great Southern Land Media Pty Ltd on 11 March 2022.

| Holding company ³³ | Share of notifications (%) | | | |
|------------------------------------|----------------------------|-------------|-------------|------------|
| | | | | |
| Seven West Media Limited | 1.4 | 0.0 | 3.6 | 5.0 |
| Southern Cross Media Group Limited | 2.9 | 5.0 | 7.1 | 15.0 |
| Tabcorp Holdings Limited | 9.3 | 8.6 | 2.9 | 20.8 |
| Coastal Broadcasters Pty Ltd | 0.0 | 0.0 | 2.1 | 2.1 |
| Total | 27.2 | 25.8 | 47.1 | 100 |

Number of foreign stakeholders³⁴

As at 30 June 2023, there were 66 foreign stakeholders with company interests of 2.5% or more in AMCs, compared to 70 and 74 foreign stakeholders as at 30 June 2022 and 30 June 2021, respectively.

There were 3 foreign persons who were foreign stakeholders in AMCs as at 30 June 2023 but not foreign stakeholders on 30 June 2022. There were 7 foreign stakeholders in AMCs as at 30 June 2022 that were no longer foreign stakeholders on 30 June 2023.

Five of the foreign persons who were no longer foreign stakeholders as at 30 June 2023 were associated with the Investors Mutual Limited, and the remaining two were associated with the Fil Limited and UBS Group AG, respectively.

Types of stakeholders

Foreign corporations were the main type of foreign stakeholder entity as at 30 June 2023 (86% of foreign stakeholders). Foreign trustees and individuals accounted for 7% and 2%, respectively, of total notifying foreign stakeholders. Foreign government investors accounted for 6% of total notifying foreign stakeholders. With the exception of foreign government investors, the entity types of foreign stakeholders have remained broadly consistent since 2020.

³⁴ The number of foreign stakeholders for 2021-22 and 2020-21 differs from those reported in the 2021-22 and 2020-21 reports due to late notifications received in 2023 advising of foreign persons being foreign stakeholders since 1 September 2018.

Table 4: Types of foreign stakeholder

| Entity type | % of total foreign stakeholders ³⁵ | | |
|-----------------------------|---|--------------------|--------------------|
| | As at 30 June 2023 | As at 30 June 2022 | As at 30 June 2021 |
| Corporation | 86 | 87 | 91 |
| Individual | 2 | 1 | 1 |
| Trustee (corporation) | 5 | 4 | 3 |
| Trustee (individual) | 2 | 1 | 3 |
| Foreign government investor | 6 | 6 | 3 |

Levels of foreign ownership

The level of company interests held by foreign stakeholders in AMCs varied considerably, particularly between those associated with foreign media and financial groups.

The highest levels of company interests were typically held in AMCs associated with News Corporation and Paramount Global (previously named ViacomCBS Inc.). This is because these AMCs are either wholly owned by, or consist of joint venture partnerships between, foreign media groups.³⁶ Foreign stakeholders associated with News Corporation also held significant company interests in ARN Media Limited (previously HT&E Limited).

Company interests held by foreign financial groups in AMCs were typically lower but more widely spread than those held by foreign media groups during the 2022–23 financial year. Across all foreign stakeholders associated with financial groups, the average level of company interests was around 4%, the same as the average in 2021–22 and slightly lower than the average of around 5% in 2020–21.

As at 30 June 2023, the entities associated with CAZ Investments held the largest interests in AMCs amongst foreign financial groups. These foreign stakeholders held company interests in Sports Entertainment Group Limited AMCs of between 8% and 14%.

³⁵ Percentages may not add up to 100% due to rounding.

³⁶ Foreign financial groups are entities primarily involved in the investment management sector and that have identified themselves as foreign persons under the [Foreign Acquisitions and Takeovers Act 1975](#).

Table 5: Company interests held by foreign stakeholders as at 30 June 2023.³⁷

| Holding company | No. of corporate groups with company interests | % interest (lower) | % interest (upper) |
|---|--|--------------------|--------------------|
| Coastal Broadcasters Pty Ltd | 1 | 5.1 | 10 |
| ARN Media Limited (previously HT&E Limited) | 5 | 2.54 | 13.30 |
| Nine Entertainment Co. Holdings Limited | 7 | 2.61 | 4.79 |
| Network Ten Pty Limited | 4 | 3.42 | 100.0 |
| News Corporation | 2 | 3.47 | 100.0 |
| Seven West Media | 4 | 2.92 | 5.1 |
| Sports Entertainment Group | 2 | 4.9 | 13.52 |
| Southern Cross Media Group Limited | 4 | 2.97 | 7.58 |
| Tabcorp Holdings Limited | 4 | 2.83 | 4.94 |

Sources of foreign investment in Australian media companies

As at 30 June 2023, the sources of foreign interests in AMCs were primarily from the United States and Australia. This was consistent with the sources of foreign interests in AMCs in 2021-22 and 2020-21.

During the 2022–23 financial year, foreign media groups³⁸ such as News Corporation and Paramount Global were primarily based in the United States and Australia. Foreign financial groups were based in a number of countries, including the United States, Australia, France and the United Kingdom.

Australian-based foreign stakeholders are typically the Australian subsidiaries of corporate groups that are based in foreign countries. In most cases, it was the Australian-based subsidiaries that held a company interest in an AMC, with the parent entities becoming foreign stakeholders as a result of the tracing provisions set out in clause 8 of Schedule 1 to the BSA. It was also not uncommon for different foreign stakeholders from within a foreign financial group to be based in different countries. A list of foreign persons associated with corporate groups is at Appendix A.

³⁷ Calculations based on AMCs wholly owned by holding companies. Interest (lower) refers to lowest level of company interests held by foreign stakeholders in AMCs associated with the relevant holding company. Interest (upper) refers to highest level of company interests held by foreign stakeholders in AMCs associated with the relevant holding company.

³⁸ A foreign media group is a media group whose principal shareholder is a foreign person.

Table 6: Corporate groups and country in which foreign stakeholder(s) were formed, 2022–23

| Corporate group | Country of origin ³⁹ |
|--|---|
| Media groups | |
| News Corporation | United States, Australia |
| Paramount Global, Inc. | United States, United Kingdom, Netherlands, Australia |
| Financial groups | |
| BlackRock Group | United States |
| Capital Group | United States |
| CAZ Investments | Australia, Mauritius |
| Dimensional Fund Advisors | United States |
| Fidelity International | Singapore, Bermuda |
| GAMCO | United States |
| Mitsubishi UFJ Financial Group | Japan, Australia |
| Norges Bank | Norway |
| Orbis/Allan Gray | United Kingdom, Bermuda, Australia |
| UBS Group | Switzerland |
| Vanguard Group | United States |
| VF Strategic Equities Fund | United States, Australia |
| Yarra Capital Management Limited | Australia |
| Other groups | |
| Tully Sugar Ltd/COFCO Sugar Holding Co Ltd | Australia, China |

³⁹ Countries associated with each corporate group may differ from those reported in the 2018–19, 2019–20, 2020–21 and 2021–22 reports due to entities within these groups becoming or ceasing to be foreign stakeholders during 2022–23.

Table 7: Countries where foreign stakeholders were formed⁴⁰

| Country | Number of foreign stakeholders | | |
|----------------|--------------------------------|--------------------|--------------------|
| | As at 30 June 2023 | As at 30 June 2022 | As at 30 June 2021 |
| Australia | 22 | 21 | 24 |
| Bermuda | 3 | 2 | 2 |
| Cayman Islands | 0 | 0 | 0 |
| China | 4 | 4 | 4 |
| France | 0 | 4 | 4 |
| Germany | 0 | 0 | 0 |
| Japan | 2 | 2 | 2 |
| Jersey | 0 | 0 | 1 |
| Mauritius | 1 | 2 | 2 |
| Netherlands | 1 | 1 | 1 |
| Norway | 1 | 1 | 0 |
| Singapore | 1 | 2 | 1 |
| South Africa | 0 | 0 | 0 |
| Switzerland | 1 | 2 | 2 |
| United Kingdom | 2 | 2 | 2 |
| United States | 28 | 27 | 29 |

Formal enforcement actions taken by the ACMA

The ACMA had taken formal enforcement actions for the first time since the notification requirements commenced on 1 September 2018.

On 17 January 2023, an authorised Infringement Notice Officer (INO) of the ACMA issued formal warnings to each of Tully Sugar Ltd and COFCO Sugar Holding Co. Ltd for lodging late section 74H notifications for the 2021-22 financial year.

On 22 September 2023, an authorised INO of the ACMA issued formal warnings to 7 foreign entities for lodging late notifications for the 2022-23 financial year, as follows:

⁴⁰ The number of foreign stakeholders associated with each country differ from those reported in the 2020-21 and 2020-22 reports due to late notifications received in 2023 advising of foreign persons being foreign stakeholders since 1 September 2018.

| BSA Provision | Foreign entity |
|---|--|
| Section 74F (become a foreign stakeholder) | Dimensional Fund Advisors LP Yarra Capital Management Limited |
| Section 74G (cease to be a foreign stakeholder) | BPCE Investors Mutual Limited Natixis Natixis Investment Managers Natixis Investment Managers Participations 1 |

The formal warnings were published on the ACMA [website](#).

Summary of key trends

- > The ACMA received fewer notifications during the 2022–23 financial year, with 26% of total notifications received from foreign persons becoming foreign stakeholders in AMCs and 27% received from foreign persons ceasing to be foreign stakeholders in AMCs. These proportions compare to 30% and 34%, respectively, in 2021–22.
- > Foreign stakeholders associated with UBS Group AG, Mitsubishi UFJ Financial Group Inc, Orbis Allan Gray, BlackRock Inc. and FIL Limited accounted for 67% of all notifications. A total of 84% of notifications under sections 74F and 74G of the BSA were submitted by UBS Group AG, Mitsubishi UFJ Financial Group Inc, BlackRock Inc, FIL Limited and Investors Mutual Limited.
- > Foreign financial groups reported holding company interests in AMCs that were typically lower, but more widely spread, than those held by foreign media groups. This trend was observed in 2020–21 and 2021–22 and continued in the 2022–23 financial year.
- > These foreign financial groups appear to generate a significant number of notifications, caused by small fluctuations in company interests above and below the notification threshold of 2.5%. Notifications for these groups are not from transactions resulting in changes in deemed control of associated AMCs.
- > AMCs associated with Nine Entertainment Co. Holdings Limited, Tabcorp Holdings Limited, Southern Cross Media Group Limited, Network Ten Pty Ltd and ARN Media Limited (previously HT&E Limited) accounted for the largest share of total notifications submitted in 2022–23.
- > The most significant changes in share of notifications received for different media companies between 2021–22 and 2022–23 were the increase in Nine Entertainment Co. Holdings Limited's share of notifications from around 17% to 27% and in Network Ten Pty Ltd's share of notifications from around 4% to 13%, and the decline in News Corporation's share from around 17% to 5%.
- > There was a slight decrease in the number of foreign stakeholders holding company interests of 2.5% or more in AMCs – there were 66 as at 30 June 2023, and 70 as at 30 June 2022.
- > The number of notifications requiring resubmission decreased in the 2022–23 financial year compared to the 2021–22 financial year, but was a slight increase on the number for 2020–21. The ACMA considers the reduction is largely attributable to foreign stakeholders becoming more familiar with the process. There were 3 notifications requiring resubmission in 2022–23, compared to 10 notifications in 2021–22 and 4 in 2020–21.

Appendix A: Foreign persons associated with corporate groups

| Corporate group | Associated foreign persons |
|------------------------------------|---|
| BlackRock Group | BlackRock, Inc., BlackRock Delaware Holdings Inc., BlackRock Financial Management, Inc., BlackRock Holdco 2, Inc., Blackrock Holdco 4, LLC, BlackRock Holdco 6, LLC |
| Capital Group | The Capital Group Companies, Inc. |
| CAZ Investments Ltd | Accuro Trust (Mauritius) Ltd, CAZ Investments Ltd, HCI Australian Operations Pty Ltd, Oceania Capital Partners Limited, SJB Investco Pty Ltd |
| Dimensional Fund Advisors | Dimensional Fund Advisors LP |
| Fidelity International | FIL Limited, FIL Financial Services Holdings Limited, FIL Investment Management (Singapore) Limited |
| GAMCO | GAMCO Investors, Inc. |
| Mitsubishi UFJ Financial Group Inc | Mitsubishi UFJ Financial Group, Inc, Mitsubishi UFJ Trust and Banking Corporation, First Sentier Investors (Australia) IM Ltd, First Sentier Investors Holdings Pty Ltd, First Sentier Investors Realindex Pty Ltd |
| News Corporation | Alesia Holdings Inc, Cruden Financial Services LLC, Keith Murdoch, News Corporation, News Australia Holdings LLC, News Corp Australia Pty Limited, News Corp Australia Holdings Pty Limited, News Corp Australia Investments Pty Limited, News Pty Limited, The Herald and Weekly Times Pty Limited |
| Norges Bank | Norges Bank |
| Orbis / Allan Gray | Allan Gray Australia Pty Ltd, Allan & Gill Gray Foundation, Allan Gray (Holdings) Pty Ltd, Orbis Allan Gray Limited |
| Paramount Global | Shari Redstone, Nai Entertainment Holdings LLC, National Amusements, Inc., Paramount Global, ViacomCBS Integration Holdings LLC, CBS Studios Inc., CBS Broadcasting Inc., CBS International Inc., CBS Network Ten B.V., CBS Offshore Networks Holdings Limited, CBS Outdoor Investments Inc., Caprice Pty Limited, Chartreuse Pty. Limited, Eye International Studios Inc, Ten Network Holdings Pty Limited, The Ten Group Pty Limited, Network Ten Pty Limited, Wilmerding CBS Holding Company, Inc. |

| Corporate group | Associated foreign persons |
|----------------------------|---|
| Tully Sugar /COFCO Sugar | Tully Sugar Limited, COFCO Sugar (Hong Kong) Limited, COFCO Sugar Holding Co Ltd, COFCO Group, State-owned Assets Supervision & Administration Commission |
| UBS Group | UBS Group AG |
| Vanguard Group | The Vanguard Group Inc. |
| VF Strategic Equities Fund | VB Holdings Sapphire LLC, Makena Developed Markets Master Fund Blue, L.P., Makena Capital Holdings Blue, L.P., Viburnum Funds Pty Ltd |
| Yarra Capital Management | Yarra Capital Management Limited |