



Senator the Hon Helen Coonan

Minister for Communications, Information Technology and the Arts
Deputy Leader of the Government in the Senate

Media Release

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'Use it or lose it' guidelines released for anti-siphoning sport

The Minister for Communications, Information Technology and the Arts, Senator Helen Coonan, today released guidelines for the 'use it or lose it' scheme that will apply to events on the anti-siphoning list, to encourage greater coverage of major sporting events on free to air television.

"The 'use it or lose it' scheme will apply to events on the anti-siphoning list from 1 January 2007," Senator Coonan said.

"'Use it or lose it' is not about removing sports from the list that are being given adequate coverage on free to air television. The rules are designed to ensure the anti-siphoning list works the way it was intended and does not produce the perverse effect of reducing rather than increasing the total availability of sport to consumers on both free to air and pay television.

"The guidelines represent a practical set of criteria which reflect the day-to-day realities of covering live sport, while establishing some clear requirements for free to air broadcasters when showing sporting events on the list.

"It is not intended that failing only one of the guidelines will result in a decision that an event has not been 'used' and hence will be 'lost'. Rather, a broadcaster's treatment of an event will be considered against the guidelines as a whole."

Listed events that do not receive adequate coverage, or which are not acquired by free to air broadcasters, may be considered for permanent (or partial) removal from the anti-siphoning list. De-listing of events will not rule out those events still being shown by free to air broadcasters in the future.

"Since 1 January 2006, the Australian Communications and Media Authority (ACMA) has monitored whether particular events on the anti-siphoning list were receiving adequate coverage," Senator Coonan said.

"ACMA has provided me with quarterly reports. Based on these reports the Government will consider whether there is a case for delisting or partial delisting of any events early next year."

From 2007, ACMA will provide the Minister with two monitoring reports covering the Australian 'summer' (October-February) and 'winter' (March-September) sporting seasons.

Each January, ACMA will provide the Minister with an annual monitoring report outlining:

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- the operation of the anti-siphoning list for the previous year;
- an assessment of whether events have been ‘used’ satisfactorily against the guidelines; and
- any recommendations for changes to the anti-siphoning list (e.g. partial or full de-listing).

Each annual monitoring report will be publicly released (minus any commercial-in-confidence material). The quarterly reports already provided by ACMA will also be released, absent any commercial in confidence material.

Following a 30 day consultation period, the Government will make a decision on any adjustments to the list and announce these at an appropriate time.

“In making a final decision to wholly or partially de-list an event, the Government will give regard to the public interest as well as the interests of sports rights holders and broadcasters,” Senator Coonan said.

“It is important to note that the ‘use it or lose it’ guidelines will not result in any events that are currently receiving adequate free to air coverage being removed from the anti-siphoning list.”

Broadcasters and rights holders were consulted on a draft version of the ‘use it or lose it’ guidelines as part of the Government’s media reform discussion paper released in March 2006.

The anti-siphoning scheme was established in 1994 to ensure sporting events of national significance would continue to be available on free-to-air television, given the introduction of pay television.

The anti-siphoning list gives free to air broadcasters first access to the broadcast rights of listed events—but it does not force them to buy the rights, or to show the events live.

The ‘use it or lose it’ guidelines are attached. The monitoring reports, when publicly released, will be available on the ACMA website www.acma.gov.au.

'Use it or lose it' guidelines

1. Have broadcast rights been acquired by a FTA broadcaster, and what type of rights have been acquired?
2. Has the event or events which make up an item been shown by broadcasters to at least 50 per cent of the population?
3. For events other than multi-part, simultaneous events, an event would be considered to have been broadcast if at least half of the total event was broadcast. This consideration will be informed by the intent of the scheme and the public interest in seeing the event.
4. Whether the event or events that make up the listing were shown live, or near live (commencing within one hour of the start of the event); and whether a delay in showing the event or events that make up the listing was intended to allow the event to be broadcast at a time of, or in a form, that would provide greater audience access.
5. Where a FTA broadcaster is unable to reasonably provide full coverage of an event due to its multi-round, simultaneous nature, has complementary coverage been facilitated by:
 - rights being made available to another FTA broadcaster on a reasonable basis? Or:
 - have any subscription TV rights held by the FTA broadcaster been made available to a subscription TV operator on a reasonable basis?
6. The extent to which sports rights have been 'used' will be considered by reference to the following criteria:
 - For a listing comprising a series of events such as premierships, competitions and tournaments, whether the rights to each has been acquired or used.
 - Partial de-listing (if appropriate) of any event or part of an event comprising a competition or tournament will have regard to the extent of coverage afforded to the competition or tournament in its entirety.
7. Other matters that may be relevant in individual circumstances.