

ABA REPORTS ON EVENTS NOT TO BE SIPHONED TO PAY TV

On 13 May, the ABA presented a report on its investigation into which television events should remain free to the general public, to the Minister for Communications and the Arts, the Hon. Michael Lee.

The Broadcasting Services Act provides that pay TV operators may not acquire exclusive broadcast rights to events which have been nominated by the Minister.

'Early in its investigation, the ABA came to the view that the events to be considered were overwhelmingly sporting events,' said Mr Brian Johns, ABA Chairman. 'This view was based on programming knowledge, ratings data and the ABA's awareness of the overseas experience. It was reinforced by submissions received during the investigation.'

The report canvasses four options for the Minister's consideration. The first option is a comprehensive list, including, but not restricted to, all sporting events currently broadcast on free-to-air television. The second is a 'short list', while the third is a list of major events. The fourth option is a 'watch list' with a mechanism for considering which events may be listed in the future.

All four options include events such as the opening and closing ceremonies of the Olympic and Commonwealth Games, grand finals of the AFL and rugby league, the Melbourne Cup and Test cricket matches involving Australia.

In its report, the ABA noted the *Broadcasting Services Act 1992* provides the Minister with the power to protect the public's right of access to major broadcast events in the transition to a newly developing broadcasting environment.

'The Parliament's intent was to protect this right, so that the public would not lose access to events which play a significant part in the life of the nation or a particular region within the nation,' Mr Johns said. 'The available evidence supports the view that this siphoning is not likely to occur in the next three years at least.'

REQUIREMENTS

Section 115 of the Act gives the Minister for Communications and the Arts the power to publish a notice in the *Gazette* which specifies an event, or events of a kind, the televising of which, in the opinion of the Minister, should be available free to the general public. The intention of the legislation is to ensure that among other things, events of national importance or cultural significance are received by the public free of charge and are not 'siphoned' to pay TV. Siphoning in this context means the obtaining of exclusive rights to broadcast events usually seen on free-to-air television.

The Act places a condition on all subscription television broadcasting (pay TV) licences. Pay TV services will not be able to acquire the rights to broadcast an event included on the Minister's list, unless the national broadcasters (the ABC or SBS) and/or the commercial free-to-air television broadcasters have acquired the right to broadcast the event.

If, within a reasonable time, the national and commercial television stations choose not to acquire the rights to a listed event, the Minister may remove the event from the list.

In February this year, the Minister directed the ABA to conduct an investigation into this matter. Without limiting the scope of the investigation, the Minister also directed the ABA to consider views from the community and the broadcasting industry about events of national importance or of cultural significance to the Australian community that have usually been televised by commercial or national television broadcasters.

The ABA was directed to prepare a report of the investigation and provide it to the Minister by 26 April 1994, with options for his consideration.

INVESTIGATION

The ABA's investigation has taken three broad paths:

1. consultation with sporting bodies and broadcasters, followed by sub-

missions from these groups, cultural bodies and the public;

2. analysis of ratings information to determine the popularity of sporting events of different types; and
3. the conduct of attitudinal research on the sports that the community considers should remain on commercial and national television.

Consultation has shown a number of not unexpected positions being adopted by the interested parties. Commercial and national broadcasters seek to protect themselves from competition by advocating an extensive list. As new entrants to the broadcasting industry, the pay TV licensees seek a limited list.

Some major sport bodies who have long-term arrangements with broadcasters see no problem with being included on a list, while most other sporting bodies advocate no list or a limited list because they believe their inclusion will restrict their ability to explore opportunities for exposure on the new pay TV services. Although wanting as wide an audience as possible for their events, several major sporting and cultural bodies have expressed the view that being on the list would disadvantage them in their negotiations with the free-to-air broadcaster of their events. The public submitters want continuing access but indicate suspicion of the intent of all broadcasters to truly serve the needs of the public.

Analysis of ratings demonstrated clear regional, gender and age differences in the viewing of various sports. The ratings do not produce a clear and decisive demonstration of which sports are of significant public interest, and need to be considered with other factors.

RESEARCH

The attitudinal research shows similar differences, but when taken together with the ratings and other criteria, forms the basis of determining what events could be included on such a list.

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ABA ALLOCATES PAY TV LICENCES TO MULTICOM

The ABA has allocated licences for pay TV broadcasting services to Multicom Australia Pty Limited ('Multicom').

Multicom has indicated it intends to deliver pay TV services via cable to major metropolitan centres in Australia.

'The ABA examined the shareholding structure of Multicom and found it complied with the foreign ownership provisions of the Broadcasting Services Act,' said Mr Brian Johns, ABA Chair-

man. 'In addition, the ABA found no reason to regard Multicom as unsuitable to be allocated pay TV licences.'

Multicom has received 35 licences from the ABA, as the Broadcasting Services Act requires a separate licence for each service. The ABA takes a service to be a single stream of programming material.

The ABA has issued a total of 166 subscription television broadcasting

services pursuant to section 96 of the Act. The other licence holders are Paynet Telecommunications Pty Ltd (eight licences), Rowcom Holdings Pty Ltd (28 licences), Access Cable Television Pty Ltd (four licences), Home Show Cable Australia Pty Ltd (20 licences), Cable Television Services Pty Ltd (10 licences), Pacific Media Telecommunications Pty Ltd (18 licences) and Premier Cable Australia Pty Ltd (43 licences).



SIPHONING REPORT

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The ABA conducted attitudinal research into community views about which sporting events should remain on free-to-air television. The ABA asked three questions of 1215 female and male respondents over 18 years of age in a national omnibus survey conducted by Newspoll on the weekend of 25-27 March 1994.

Respondents were asked two open-ended questions on what international and regular season sporting events should remain on free-to-air television and not become the exclusive right of pay TV. These first responses were

unprompted. Respondents were then cued and prompted about international and regular sporting season events from a list of high rating sports events in 1992-1993.

Events such as the Commonwealth Games and the Melbourne Cup gained a high order of total mentions or ranked highly in total mentions, but did not get as many mentions during the unprompted stages. Other events such as the Olympic Games and cricket were mentioned by many people in all stages. As expected the AFL Premiership was mentioned by many respondents from Victoria, South Australia and Western Australia, while rugby league events

were mentioned more by those from New South Wales and Queensland.

The third question involved respondents making a choice about which single event (international or regular season sport) was the most important event that is shown on television in Australia. Events which were mentioned by many respondents included the Olympics, the AFL Premiership series, the Melbourne Cup and rugby league events (State of Origin and Winfield Cup).

Women tended to choose the Olympics while men tended to choose the AFL Premiership series as the most important events shown on television in Australia.

ORDERING	MOST IMPORTANT SINGLE EVENT SHOWN ON TV* (N=1215)	TOTAL MENTIONS OF INTERNATIONAL AND REGULAR SEASON EVENTS THAT SHOULD REMAIN ON FREE-TO-AIR TELEVISION# (N=1215)
1	Olympic Games	Olympic Games
2	AFL Premiership	Commonwealth Games
3	Melbourne Cup	Melbourne Cup
4	Rugby League - State of Origin	Tennis - Wimbledon
5	Rugby League - Winfield Cup	Cricket - One Day Internationals
6	Motor Racing	Cricket - Tests & Tennis - Australian Open
7	Cricket - Tests	AFL Premiership
8	Tennis - Australian Open	Rugby League - State of Origin
9	Cricket - One Day Internationals	Rugby League - Winfield Cup
10	Rugby League - Tests	Rugby League - Tests

* Single response permitted to this item

This table is a composite of two questions asked about international and regular season events

