



The Public, Pay TV And Siphoning

The ABA received a grand total of 34 submissions from members of the general public in response to its call for views on the potential siphoning of major programs to pay TV.

This may suggest that fear of losing access to such televised national rituals as the Melbourne Cup or the footy grand final has somehow failed to inflame the public imagination; it may be indicative of the relatively low profile of the ABA; or perhaps it can be attributed simply to public inertia and boredom with the subject of (so far) non-existent pay TV services.

Whatever the reason, the majority of the 82 submissions came from interest groups, of which the largest cluster (19) came from sporting organisations. The networks, the pay TV licensees, a handful of groups with cultural or children's television interests, advertisers, and government and community/public interest groups made up the balance.

The ABA undertook its own attitudinal research, which helped to compensate for the lack of public response. The ABA put three questions to a national sample of 1215 people in Newspoll's telephone omnibus survey. People were asked, first unprompted then prompted, about the international and regular season events they thought should remain on free-to-air television and not become exclusive to pay TV.

Respondents were asked to nominate only sporting events, and thus no information emerged about any other events which people might consider important. CU understands that this was partly for economic reasons (the cost of additional questions), and partly because preliminary investigations suggested that sporting events would be the major focus of interest.

The omission of any other kind of culturally significant event would provide plenty of support for people who believe we are a nation of sport-loving philistines - though it is important to note that events like Anzac Day ceremonies and Bicentennial celebrations

are not subject to the sale of rights and can be broadcast by anyone who wishes to do so.

The Olympic Games emerged well in front in the category of the single most important event nominated, and also in terms of its number of mentions (prompted and unprompted) overall. Interestingly, more women than men tended to choose the Olympics, while men tended to choose the AFL Premiership series.

What Was At Issue

Section 115 of the Broadcasting Services Act empowers the Minister to specify television events which should be available free to the general public (ie should not be confined exclusively to pay TV), by publishing a list of events in the Gazette. The Minister directed the ABA to investigate the issue in consultation with the community and the industry.

The ABA released its report on pay TV siphoning on 13 May, presenting four options for the Minister's consideration (see next page). Two weeks later, on 31 May, the Minister announced his decision, which, very broadly, is a combination of the ABA's options 3 (with many additions) and 4. An important change is that the Olympic and Commonwealth Games have been placed on a 'watch list' (viz option 4). As the media was quick to point out the list included just about every major sport.

You may pay for water, electricity, sewage, garbage collection - but in Australia, it seems, everyone has a right to free television sport. Perhaps it is time to ban video movies because not everyone has a video recorder.

Tom Burton, AFR 1/6/94

Anne Davies (SMH) saw the real winners from the Minister's decision as the commercial networks and in particular, Packer's Nine Network with

its heavy emphasis on sport. *The Financial Review's* Tom Burton went even further, describing the decision as 'not much more than an industry protection arrangement to subsidise some of the wealthiest companies and people in the country'.

The response of the people who have most to lose from the Minister's decision, the pay TV licensees, was surprisingly low key. Perhaps they had already prepared themselves for this kind of outcome.

Well, they could make a virtue of necessity by taking some of the sports omitted from the list and tuning them into cult favourites. Anyone for lacrosse, royal tennis, boule or badminton - or any sport at all where the players are women? Tune to pay TV.

Omens For Future

The ABA's report highlighted some key issues arising from its siphoning investigation which may give rise to problems in the future.

For example, as the ABA points out, 'listing' an event restricts the ability of rights holders to negotiate a sale of these rights, since they must first deal with the free-to-air broadcasters. The Trade Practices Commission in its submission expressed concern that this could have anti-competitive effects because subscription broadcasters cannot bid for exclusive rights to listed events on the same footing as commercial and national broadcasters.

The ABA says it is clear that this is not the outcome envisaged by Parliament. According to the Explanatory Memorandum, the intention was that after initial rights had been acquired by free-to-air broadcasters, pay TV would 'provide complementary or more detailed coverage of the events'.

The ABA says that it believes this outcome is achievable in practice, because although the free-to-air broad-

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casters have the rights to a large number of events, only in some cases have they also acquired limited pay TV rights. Others see this view as naive. Anne Davies commented that the practical effect 'is that pay TV operators are denied the opportunity to acquire exclusive rights - the critical marketing edge - to all but the most minor sports'.

The ABA's investigation showed that the free-to-air broadcasters already hold the broadcast rights to most major sporting events, in some cases for as long as eight years. This suggests that the risk of hoarding by broadcasters is considerable, yet the best the Minister could do was to express an expectation that 'the broadcasting industry [would] act in a mature and responsible manner, and not use the list as a mechanism for anti-competitive behaviour, such as the hoarding of rights'. The Minister said that 'free-to-air rights for events on the list should be used as much as possible' and said he would introduce amendments to prevent broadcasters buying rights to an event and not broadcasting it. In these circumstances the event would be taken off the list.

Given that many rights are tied up till 2000 or beyond, it was probably inevitable that the Minister's list of specified events should cover a ten-year period, to 2004. The list can therefore be seen as an interim measure to take the industry - and the viewing public - through a difficult period. What happens after 2004 is anyone's guess, especially since by then the whole television landscape will have changed beyond recognition.

The ABA's Four Options

- 1) **A comprehensive list** of all the events nominated by free-to-air broadcasters, covering every major sport - and the Eurovision Song Contest!
- 2) **A short list**, comprising Olympic and Commonwealth Games opening/closing ceremonies, AFL and Rugby League Grand Final and State of Origin, Australian test cricket, and the Melbourne Cup. (ABA attitudinal research supports these as events in which most interest was expressed by the public).
- 3) **A longer list of major events** including some of the above, time tagged, and with additions such as soccer, basketball, netball, tennis, golf and motor racing.
- 4) **A 'watch list' with an activating mechanism.** Because free-to-air broadcasters have already locked up the rights to most key events, the ABA says, 'the inclusion of those events in a s.115 notice is unlikely to be of any practical effect in the short and medium term'. This option sees the Minister monitoring the option 3 list as a 'watch list' with assistance from the ABA. The ABA also considered the possibility of imposing licence conditions requiring licensees to notify the ABA about rights negotiations for any event on the watch list. □

Amazing Scenes

The editor of the magazine *New Woman* has urged readers to tear out offensive ads from the magazine and complain to advertisers

In an editorial in the June issue editor Hilary Burden writes to her readers:

As the editor, I control everything but the contents pages. What isn't on the contents pages is the advertising, and I'm afraid I have very little control, though arguably some influence, over that.

That's where you come in. If you see an ad that offends you in any magazine, don't write to the editor outraged (we're probably already outraged). Instead, write to the advertiser and send a copy to the advertising manager. That way your complaint will be registered. And if enough of you complain, we might collectively start making a difference. We hope.

Burden says in the editorial that she receives more letters about 'the schizophrenic nature of women's magazines' - for example, running campaigns to support more realistic images of women, then featuring perfect size 10 models - than about any other issue.

New Woman, with a circulation of 125,000 at March 31 (down from 138,000 at September 1993), is a 'serious' women's magazine apparently pitched to an older age group. Its contents do, however, demonstrate a degree of schizophrenia. The June issue, while running an George Negus interview with Benazir Bhutto, an informative piece on hysterectomy and an excerpt from a book about life on an Aboriginal mission in the 1960s, also carries such Cosmoesque features as Single Men Looking for Love and How Much Sex is Enough? The fashions featured in *New Woman* are indeed modelled by standard anorexic dollies.

Nevertheless, credit should be given to Burden for her stand on the advertising issue. She told the ad industry trade paper *Ad News* that the magazine's advertising managers were supportive.

New Woman is a member of the Murdoch Magazines stable, owned since 1991 by Rupert Murdoch's nephew Matt Handbury.

Coincidentally, in early June Sydney ad agency BAM-SSB released the results of a survey in conjunction with AGB McNair which showed (surprise, surprise) that women are increasingly alienated by the way they are portrayed in advertising. One might ask: why does the industry need to commission expensive surveys to tell them what women's organisations and individual women have been trying to tell them for years? □

STOP PRESS: As *CU* went to press we heard that Hilary Burden had resigned after 6 months in the job as a result of a difference of opinion with management over the magazine's direction.