5 April 2012

Dear Senate Committee,

Please find attached an earlier submission to Senator Conroy about the draft bill on anti-siphoning, dated 31 October 2011.

I have taken over from Tony Iffland as General Manager of Channels at BBC Worldwide Australia and am keen to ensure that our submission is still considered. I would like to emphasis how important it is for us to have certainty in the final legislation.

Yours sincerely,

Deirdre Brennan
General Manager/Director of Channels & Branded Services Australasia

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Sen. the Honourable Stephen Conroy
Minister for Broadband, Communications and the Digital Economy
Level 4, 4 Treasury Place
Melbourne Vic 3002

31 October 2011

Dear Senator Conroy,

BBC Worldwide is an active and interested member of ASTRA, of which I am currently the Chairman of the Channels Committee.

As a company, we are committed to the Australian media market. We have made significant investments across the national media landscape, from a stake in production company Freehand to our joint venture magazine publisher with ACP. In the last three years, our market share has trebled. The growth of our subscription television business - from a 20% minority stake in UKTV just three years ago to a four channel portfolio today, employing 50 people and investing significantly in original Australian content - is an indication of this commitment.

I am writing to you to raise some questions we have around the draft bill on anti-siphoning in the context of our continuing ambitions for Australia. Our business, like most, looks for certainty of regulatory and administrative processes to determine the allocation of investment funds for future returns and expansion.

BBC Worldwide is the commercial arm of the BBC, existing to maximise the value of the BBC's assets for the benefit of the licence fee payer, but operating independently from the public service broadcaster. You will be aware that in the UK the BBC supports an anti-siphoning list. Although our role in the Australian TV market is very different - subscription television rather than free-to-air – we entirely respect the principle of listed events in this country.

However, it is our understanding that the policy outlined in this draft bill on anti-siphoning will provide the Minister for Broadband, Communications and the Digital Economy with very broad powers to intervene in sports rights, with much greater prescription than currently occurs under Australia's anti-siphoning laws on sports rights. We believe the wide discretionary powers in the second exposure draft have the capacity to create significant uncertainty for all parties in the market, which has the potential to impact the confidence of industry participants in how and where to invest.

A strong and vibrant subscription television industry is beneficial to the Australian communications and media landscape.

Balanced regulation in this area is a significant factor in the long term success of subscription television and the media landscape broadly. We would therefore ask that you please provide a greater degree of clarity around when the Minister will make interventions, as you did in the original anti-siphoning policy announcement of 25 November 2010.

I would be happy to discuss this or any other broadcast issues with you in person.

Yours sincerely,

Tony Iffland
General Manager
BBC Worldwide Australia