

**Senate Economics Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

**Treasury Portfolio**

Budget Estimates, 31 May to 2 June 2005

**Question: Bud 2**

**Topic: ACCC - Access to Pay TV Content**

**Hansard Page: Written**

Senator Conroy asked:

In its recent report on the National Competition Policy Reforms, the Productivity Commission (at page 246) highlighted the importance of ensuring rival networks can access premium pay TV material such as Foxtel's premium content.

1. Has the ACCC done any work on options to ensure that there is effective access to this sort of premium content? Could you describe the nature of this work?
2. Does the ACCC plan to publish any information on its work in this area? If so when?
3. Has the ACCC received any complaints from rival networks about difficulties in obtaining access to premium pay TV content?
4. Has the ACCC investigated these complaints? What action has the ACCC taken as a result?

Answer:

1. The ACCC has considered the issue of access to premium content for Pay TV most extensively in its assessment of the proposed Content Supply Agreement (CSA) between Foxtel and Optus in 2002.

In this process, the ACCC received a number of court enforceable undertakings under section 87B of the *Trade Practices Act 1974* from Foxtel, Telstra, Optus and Austar. These undertakings were provided in order to address the competition concerns the ACCC had identified arising out of the CSA agreement.

2. The section 87B undertakings submitted by Foxtel and Austar discussed above are published on the ACCC website - the link is provided below:

<http://www.accc.gov.au/content/index.phtml/itemId/338042/fromItemId/269329>

The ACCC's EMS report is also published on the ACCC website - the link is provided below:

<http://www.accc.gov.au/content/index.phtml/itemId/356694/fromItemId/356751>

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3. A number of parties expressed concerns to the ACCC about obtaining access to premium pay TV content during 2001-02.
4. The outcome of the ACCC's investigations was the recommendations of the EMS report. The ACCC continues to monitor content access issues but has not taken any investigative action in this area.