

25 July 2003

Ms Asa Masterman
Digital Broadcasting & Spectrum Management
Department of Communications, Information Technology and the Arts
GPO Box 2154
CANBERRA ACT 2601

Dear Ms Masterman

**REPORT OF THE AUSTRALIAN COMPETITION AND CONSUMER
COMMISSION ("ACCC") ON EMERGING MARKET STRUCTURES
IN THE COMMUNICATION SECTOR**

I refer to the invitation issued by the Department of Communications, Information Technology and the Arts for public submissions in relation to the abovementioned report.

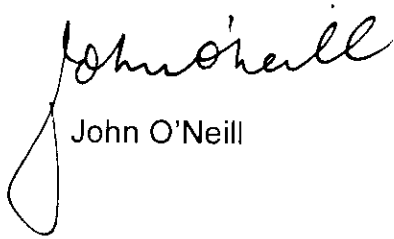
In the report the ACCC noted concerns that the current anti-siphoning regime has substantial anti competitive effects and therefore, the ACCC recommended that the current scheme be amended to incorporate a dual-rights regime.

The Australian Rugby Union ("ARU") supports the ACCC conclusion that the current anti-siphoning regime is anti-competitive in that it restricts the ability of sporting bodies such as the ARU to negotiate broadcast rights in respect of listed events on the most favourable terms with both free-to-air television operators and pay-television operators. Further, the ARU believes that the current regime can lead to free-to-air television operators hoarding the rights to sporting events and as a result, reducing the availability of events to the general public.

The ARU believes the current anti-siphoning regime should be reviewed and overhauled so that the concerns outlined above are minimised to the greatest extent possible. The ARU is not necessarily convinced that the dual-rights regime promoted by the ACCC will result in the most advantageous outcome in terms of dealing with those concerns however, such a regime would on balance, provide a more positive platform than the current anti-siphoning regime.

Should you have any wish to discuss the contents of this letter or any related matters, please do not hesitate to contact Mr Peter Friend on 02 9956 3484.

Yours sincerely

A handwritten signature in black ink that reads "John O'Neill". The signature is written in a cursive style with a large, looping initial 'J' and a long, sweeping tail that extends downwards and to the left.

John O'Neill