

Cultural Citizenship, Social Utility, and Positive Network Externalities: The Role of Anti-Siphoning Legislation

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Rowe suggests that televised sport plays a substantial role in facilitating participation in a nation's culture (2004b). This sentiment is arguably more pronounced here in Australia than anywhere else in the world—our broadcasting legislation contains provisions ensuring that free-to-air broadcasters get priority when acquiring the rights of “events of national importance and cultural significance” (Australian Government, 2017, p. 1). This provision lists some 1300 protected events; all exclusively sport. However, many comparable countries list approximately 100 events, which include non-sport events. Given that the Australian Football League (AFL) is clearly identifiable as an Australian game and part of Australian culture, making this code widely accessible is evidently a necessary requirement for cultural participation. Yet, the free-to-air broadcasting market often fails to fulfil this obligation. Despite the fact that approximately \$900 million was paid for the most recent round of free-to-air AFL broadcasting rights (Mason and Stensholt, 2015), evidence suggests that there is a considerable disparity in AFL viewing opportunities in the free-to-air market. While this situation would appear to erode the public access remit that sport has historically supported, of more concern is that current regulatory arrangements appear to normalise such an outcome. The concepts of cultural citizenship, social utility, and positive network externality suggest that, in an ideal world, all games should be freely available to all citizens. Leaving this function to the pay-TV sector raises issues about confining participation in media sport culture to “the comparatively affluent sectors of the population” (Rowe and Hutchins, 2013, p. 4), undermining the perceived potential of sport to enrich cultural citizenship and national identification. While it's established that incumbent broadcasters face uncertainty due to shifting audience behaviours, evolving delivery technologies, and new industry players, this paper argues that regulation designed to preserve the cultural citizenship for Australians that is facilitated by access to mediated sport requires considerable overhaul in order for it to remain relevant and deliver its public access remit.

Introduction

Television is changing. Shifting audience behaviour, new industry players, and evolving delivery technologies complicate the broadcasting landscape, and compromises established commercial and pay television business models. For decades, broadcasters that televise sport have purchased the broadcasting rights for elite sport as a major component in driving their business (Nicholson, 2007). In this respect, free-to-air and pay-TV operators recently purchased the 2017–22 Australian Football League (AFL) broadcast rights for \$2.5 billion—the largest amount ever paid for broadcasting rights in Australia (Mason and Stensholt, 2015). Of that amount, approximately \$900 million was paid for the free-to-air broadcasting rights. While these broadcasters hope to recuperate that investment by selling advertising, or through a mix of advertising and subscription sales, in a context where television production, distribution and consumption are changing, this business model faces uncertainty. Moreover, while content creation, distribution, consumption, audience

measurement, and revenue are often seen as ripe for opportunity in this environment of uncertainty (Burroughs and Rugg, 2014; Lotz, 2014), an aspect of the sector that may have been overlooked in terms of its possibilities in this shifting broadcasting landscape is government regulation.

Televised sport is perceived to play a dominant role in facilitating participation in a nation's culture (Rowe, 2004b) to the extent that the Australian Government utilises legislative measures to ensure that “events of national importance and cultural significance”—such as the AFL Grand Final—remain “freely available to all Australian viewers” (Australian Government, 2017, p. 1). The centrality of sport to Australian culture, and therefore to Australian citizenship and cultural inclusiveness, is difficult to overstate—in 2016, the top six most watched television programs on free-to-air television in Australia were all sport related (Hickman, 2016). Given that the AFL is clearly identifiable as an Australian game, and demonstrably part of Australian culture—the top-rating programs on free-to-air and subscription television in 2016 were AFL matches—making this code widely accessible is evidently a necessary requirement for cultural participation. Yet, the free-to-air broadcasting market often fails to fulfil this obligation. Normalised by regulatory arrangements, evidence suggests that there is considerable disparity for AFL viewing opportunities in the free-to-air market—a situation would appear to erode the public access remit that sport has historically supported.

In Australia, the *Broadcasting Act 1992*—which contains provisions that give free-to-air broadcasters a protected entitlement to purchase broadcasting rights to sports on the grounds of cultural significance—has not been adequately amended to account for social, industrial and technological developments that have punctuated the sector over the last 25 years (Hutchins and Rowe, 2012). Accordingly, the issue of regulation demands further investigation: what do the tensions emerging from the changing conditions in the AFL broadcasting sector mean for regulation that is designed to preserve the cultural citizenship for Australians that is facilitated by access to mediated sport?

Cultural Citizenship, Social Utility, and Positive Network Externality—The Role of Anti-Siphoning Legislation

Some analysts point out that sport has not been treated with the same reverence in the academic literature as other cultural products such as news, music, film, and online content (Boyle and Whannel, 2010; Hutchins and Rowe, 2012). Sport “is often treated as a rather trivial topic, and thought to be far less important in understanding the relationship between economy, society and culture than many minority arts and leisure activities” (Warde, 2006, p. 108). However, sport requires our attention for many reasons. To begin with, from a political economic perspective, elite level sport serves the ideology of the capitalist class by operating as an “opiate of the masses”, working to distract us from “more pressing social and political issues” (Corrigan, 2014, p. 45). Sport plays a role in reinforcing structural inequalities and stereotypes, especially in terms of race, gender, sexuality and ethnicity (Yoo et al, 2013; Rowe, 2014; Wenner, 1998). Analysing the “meanings associated with mediated sport texts” can also provide valuable insights into our “cultural priorities and the current state of power relations” (Wenner, 1998, p. 5). Research is also required on the grounds that executive-level decisions influence how sport is presented and consumed, which in turn constructs our culture, and yet little is known about what takes place within boardrooms when these decisions are made (Milne, 2016). Sport also demands investigation due to the nature of

meaning attached to it at the point of consumption: Shirato and Yell (1996, p. 158) argue that sport should be investigated because it is “being used by greater numbers of people” compared to idealised forms of “high culture (ballet, opera, poetry)”. Gantz and Lewis (2014) also demonstrate that emergent media devices open up a whole new array of motivations and meanings for how sport is consumed by the contemporary sports fan, and how these newer practices intertwine with traditional media sports consumption.

Most importantly, however, sport demands our attention for the perception that it contributes to our *cultural* citizenship. Sport can build a sense of national identity through the “selective celebrations of past successes” in order to “promote a sense of exceptionalism or superiority” (Vincent and Kian, 2014, p. 302). Mediated sport has the social effect of a *positive network externality*; people enjoy not only “the event and the ‘conversational network’ through viewing, [but] their participation also adds value to the network for everyone” (Smith et al, 2015, p. 723). The idea that watching sport permits us to participate in a common culture illuminates its social utility, in that consuming mediated sport allows:

[T]he everyday, symbolic means by which senses of collective belonging are encouraged and deterred, especially regarding social subjects who may feel isolated, because of various forms of mobility and inequality, from the social collectivities that they inevitably encounter. (Rowe, 2016a, p. 3)

While the relationship between cultural citizenship and sport should not be overstated, given that “demographic diversity and socio-cultural complexity” can mitigate sports perceived “prosocial” characteristics (Rowe, 2016a, p. 2), sport appears to be central to Australian culture because it is accessible, popular, and enjoyable (Cashman, 1987, 2010), and because it potentially reflects an underlying ethos of egalitarianism in our culture (Rowe, 2016a). Meaningful participation in our culture is often also perceived to be tied up with a need to be knowledgeable about sport (Rowe, 2016a).

This relationship between free and equitable access to televised sport and culture can then be seen as a justification for government intervention in the free market of broadcasting, to ensure that sports of cultural significance remain widely available to the citizens of a country (Corrigan, 2014; Evens et al, 2011; Nicholson, 2007; Rowe, 2004a, 2004b; Smith et al., 2015). It is argued that without such regulation, the result would be market failure from the consumers perspective—that is, broadcast rights to sports of cultural significance would be purchased by pay-TV operators and placed behind subscription pay-walls, or siphoned off, thereby confining the participation of media sport culture to “the comparatively affluent sectors of the population” (Rowe & Hutchins, 2013, p. 4), in turn undermining the perceived ability of sport to enhance cultural citizenship (Jolly, 2010).

In Australia, this legislation is contained in the *Broadcasting Services Act 1992* (BSA). The BSA contains a provision (the *Broadcasting Services (Events) Notice*, more commonly known as the anti-siphoning list) that gives free-to-air broadcasters a protected right over pay-TV broadcasters to first purchase the broadcasting rights of sports on the anti-siphoning list, which are chosen on the grounds of cultural significance by the Minister who oversees the Act (Australian Government, 2017). This sentiment is perhaps more prevalent in Australia than in any other country in the world: as of late 2017, the anti-siphoning list contains some 1300 protected events, all exclusively sport, while many other comparable countries list approximately 100 events, and include non-sport events (Ofcom, 2010). While anti-siphoning regulation would seemingly guarantee delivery of

culturally significant sports to Australian people, it could be argued that the legislation as it currently exists does not adequately fulfil this obligation. Tables 1 and 2 demonstrate that the coverage of AFL games on free-to-air television tends to skew in favour of clubs with the largest membership. In 2016, the free-to-air broadcaster covered the two largest clubs by membership, Collingwood and Hawthorn, more than 11 times compared to the two smallest clubs by membership, the Gold Coast Suns and the Greater Western Sydney Giants. In 2017, this situation was marginally better, with the difference in coverage between the two largest clubs and the smallest two clubs reduced to a gap of six games, although another ‘minnow’ club by membership, the Brisbane Lions, had one solitary game on free-to-air in Melbourne in 2017.

Team	2016 Members	2016 Free-to-Air Games	Team
Hawthorn	75,351	17	Collingwood
Collingwood	74,643	17	Geelong
Richmond	72,278	16	Richmond
West Coast	65,188	15	Hawthorn
Essendon	57,494	14	W. Bulldogs
Sydney	56,523	14	North Melb.
Adelaide	54,307	11	Sydney
Port Adelaide	53,743	10	Essendon
Fremantle	51,889	9	St Kilda
Geelong	50,571	8	Carlton
Carlton	50,130	8	Adelaide
North Melb.	45,014	8	Melbourne
W. Bulldogs	39,459	7	Port Adelaide
Melbourne	39,146	7	West Coast
St Kilda	38,009	5	Fremantle
Brisbane	23,286	4	Gold Coast
GWS Giants	15,312	3	Brisbane
Gold Coast	12,854	3	GWS Giants

Table 1. AFL Membership vs Free-to-Air Broadcast Frequencies (Melbourne), 2016.

Source: <http://www.afl.com.au/>

Team	2016 Members		2016 Free-to-Air Games	Team
Collingwood	75,879		13	Geelong
Hawthorn	75,663		13	Hawthorn
Richmond	72,669		13	W. Bulldogs
Essendon	67,768		12	Collingwood
West Coast	65,064		11	Adelaide
Sydney	58,838		11	Essendon
Adelaide	56,865		11	Carlton
Geelong	54,854		10	North Melb.
Port Adelaide	52,129		10	Richmond
Fremantle	51,254		10	St Kilda
Carlton	50,326		10	Sydney
W. Bulldogs	47,653		9	Melbourne
Melbourne	42,233		6	GWS Giants
St Kilda	42,052		5	Port Adelaide
North Melb.	40,343		4	West Coast
Brisbane	21,362		3	Gold Coast
GWS Giants	20,944		2	Fremantle
Gold Coast	11,665		1	Brisbane

Table 2. AFL Membership vs Free-to-Air Broadcast Frequencies (Melbourne), 2017¹.Source: <http://www.afl.com.au/>

¹ There are 11 less games of AFL on free-to-air each season under the new 2017–22 deal. Under the terms of the new deal, Foxtel retained the right to sub-licence a Saturday afternoon game to a free-to-air broadcaster in those rounds where there was no Thursday night or public holiday game. It was believed this game would be on-sold to the Channel 10 free-to-air broadcaster, but when the two parties failed to reach an agreement on the market value of the games, Foxtel decided to show the game exclusively on its pay TV platform. It has been estimated the sub-licence would be worth around \$30 million per season. More info: <http://www.afl.com.au/news/2016-10-27/fewer-games-on-freetoair-tv-in-2017>

While non-regulatory factors such as form, geographic market, and scheduling logistics may be contributing factors, deficiencies in the regulation also play a pivotal role in this outcome. The Act, as it currently stands, contains a “quota number” provision, which states that the maximum number of AFL games on free-to-air television in any round is to be four, based on an 18-team competition with nine matches in a round (Australian Government, 2012). With only four games out of nine to choose from to broadcast each week, this provision would seemingly put pressure on the free-to-air broadcaster to prioritise the largest, most well-supported clubs, in order to maximise ratings. Such an outcome indicates that regulation is not performing to an optimal level in terms of achieving its public access remit: the concepts of cultural citizenship, social utility, and positive network externality suggest that, in an ideal world, *all* games should be freely available to *all* citizens. Accordingly, for those supporters of the less-represented clubs, it becomes increasingly difficult to meaningfully engage in this part of Australian culture and to reap the accordant public access remit, or alternatively, short of changing allegiances to another team, those supporters may become disenfranchised with the televised coverage of the game altogether, and opt out of participating in this segment of Australian culture entirely.

Anti-siphoning legislation can be attacked on other fronts. It can be considered overly protective of incumbent free-to-air broadcasters, and it prevents sporting bodies from getting true market value for their sports rights (Evans et al, 2013; Smith et al, 2015). The list prevents the benefits of competition, such as choice, service, and lower costs, from being passed on to consumers, and the list can be seen as obsolete as pay-TV penetration grows, free-to-air broadcasters expand via digital channels, and as audiences acquire content from non-traditional sources (Jolly, 2010). Determining what are events of national importance is also problematic in that the “absence of popular global sports such as basketball and the under-representation of soccer [on the list]... suggests something of a lag between the intensifying diversification of the Australian population and the composition of the anti-siphoning list” (Rowe, 2016a, pp. 6–7). Caution also needs to be taken against championing access to sport on “noble” citizenship grounds, as it may conceal the fact that “sport-related consumption... unfairly advantages some cultural forms and commercial interests over others” (Rowe, 2016a, p. 3), in turn raising further questions about the relationship between media literacy and cultural participation (Lunt and Livingstone, 2012). The list may also reinforce gender inequalities given the disproportionate lack of female sports on the list, while the concept of citizenship, on which justification for the list is based, is itself a fluid concept (Rowe, 2016a). Finally, the criteria of events that qualify for inclusion on the list remain unclear (Jolly, 2010; Smith et al., 2015), while it can also be argued that the list is outdated in terms of technology (Rowe, 2014, 2016a; Rowe and Hutchins, 2013).

Some industry incumbents have used this last characteristic for their own benefit. For example, Seven West Media purchased the online rights to the 2016 Olympic games, and then effectively adopted a pay-TV business model by placing premium online content behind subscription paywalls (C-Scott, 2016; Mitchell, 2016). Similarly, newcomers to the broadcasting market such as telecommunication and IT companies, who deliver content on internet-enabled platforms—usually on a subscription basis—are now either acquiring sports rights themselves as a way to attract customers, or forming alliances with existing broadcasters to position themselves as vertically integrated content providers (Curtin et al, 2014, p. 4). The delivery of sport via internet-based platforms exposes another flaw in the legislation; presently, anti-siphoning laws do not prevent emerging broadcasting organisations from acquiring the rights to sports of cultural significance,

and migrating those rights to internet-based platforms, which are almost exclusively delivered on a subscription basis (Evens et al, 2011; Smith et al., 2015; Vranica and Marshall, 2016).

These criticisms aside, support for legislation remains durable. The strongest reasoning is that failure to maintain the list would mean the capture of sport by transnational capital, and the erosion of the “social and cultural citizenship rights of the (by definition) non-elite majority of the populace” (Rowe, 2014, pp. 147–148). Smith et al (2015) also argue that more, not less, protection is needed, particularly in a media environment where direct payment for content is likely to become more common, and where “individuals will increasingly have to take responsibility for their own use of technologies and consumption of media and communications content” (Lunt and Livingstone, 2012, p. 16).

The discussion above is important for at least two reasons. Firstly, it clearly demonstrates the tension between neo-liberal approaches to social inclusion advocated by those who would see the demise of anti-siphoning regulation, versus perspectives favouring anti-siphoning legislation, to support collective cultural participation that is not contingent on one’s ability to pay for it. Secondly, for the purposes of research and analysis, providing a detailed review of regulation is necessary because it allows us to understand it in such a way that it can be analysed respectively in terms of structuration theory (Giddens, 1979; 1984) and the systems model of creativity (Csikszentmihalyi, 1988). Giddens defines structures as “the rules and resources, organised as properties of social systems” (1979, p. 66), while for Csikszentmihalyi the “domain” conveys “ideas or forms” from one generation to the next (1988, p. 325). Anti-siphoning regulation evidently fulfils the criteria of a structure or domain, and understanding it in this way directs the researcher to investigate the rules and resources of a structure, and the rigidity and precision of a domain, as a means of identifying and understanding the dynamics and composition of those structures and domains.

Furthermore, as these theoretical frameworks allow us to see structures and domains as both constraining and enabling, research can also identify the opportunities that may emerge as these structures and domains deal with changing social, political, technological, legal and economic factors, and how any such changes will be accepted and implemented. This largely general systems theory approach (Capra, 2015; McIntyre, 2016) is necessary because, as Meese and Podkalicka (2015) argue, broadcasting rights research has been dominated by political economic approaches in the past, and research instead needs to focus on both ends of the production and consumption of sport. Structuration theory and the systems model of creativity may bridge this gap by investigating the rules, resources, fields, domains and idiosyncratic behaviour across the AFL broadcasting spectrum that is at both the production *and* consumption ends at the same time.

The Rise of the Sports ‘Producer’

Accordingly, focusing only on regulation with regard to production is not going to provide a complete picture of the broadcasting landscape—analysis of how regulation is engaged with at the point of consumption is necessary to complete our understanding of what is occurring. Once sports rights are acquired, broadcasters endeavour to protect and monetise those rights. In the case of subscription-based services, monetisation is achieved by placing the content behind “walled gardens”—making the content accessible on television through encrypted subscription (Curtin et al., 2014) and authentication portals (Burroughs and Rugg, 2014; Corrigan, 2014). Given that sport plays a role in the identity formation of the increasingly digitally literate fan (Rowe, 2016b; Yoo et

al., 2013), audience resentment can grow if content becomes inaccessible by migrating behind these walled gardens (Hutchins, 2011). Accordingly, a perceived threat to the traditional business model of incumbent (and emerging) broadcasters has been the rise of the *produser* and their ensuing influence on formal broadcasting structures. Defined as the “collaborative, iterative, and user-led production of content by participants in a hybrid user-producer” role (Bruns, 2006, p. 1), produser behaviour accounts for the relatively easy capture of formal content by informal agents, followed by the redistribution and consumption of that content online, by utilising any combination of Virtual Private Networks (VPN), affordable consumer technology, and pirate websites. Clearly, this type of behaviour could also be considered part of what has been termed the “informal media economy”, in that it includes a “range of activities and processes occurring outside the official, authorised spaces of the economy” (Lobato and Thomas, 2015, p. 7). Rather than seeing formal and informal media systems as binary opposites, the informal media economy framework emphasises the interdependency of formal and informal media (Lobato and Thomas, 2015), which in turn allows for a nuanced and holistic understanding of the broadcasting landscape in Australia. VPNs, for example, can be used to sidestep geoblocking restrictions designed to usher consumers towards subscription access, and would seem to threaten established formal media structures, and yet VPN use is presently not technically illegal in Australia (Turnbull, 2017).

An examination of pirate behaviour further illuminates the lack of a clear distinction between formal and informal media systems. In the online environment, audiences prefer their content for free (Sirkkunen and Cook, 2012), and in the face of perceived unjust exploitation by formal media structures, producers can turn to pirate websites to distribute and access highly valued sports content. Where such behaviour threatens to undermine the monetisation of intellectual property, protection for rights holders is enforced by copyright law. Yet, there appears to be an inability of copyright legislation to effectively police the protection of intellectual property, especially when copyright regulation varies considerably from country to country (Milne, 2016), and as digitised content can be so readily shared and moved across global contexts (Hutchins and Rowe, 2012). It bears mentioning that the destabilising potential of the produser is not a result of technology alone; rather, their emergence is more indicative of broader social, political, and economic trends, such as the affordability of new technologies, increased levels of affluence, competition-driven innovation, advertising trends, and the deregulation of media, telecommunication and tax sectors (Butler et al, 2013; Curtin et al, 2014).

While Corrigan guards against overstating the rise of the produser as a complete paradigm changer on the grounds that fan production “is increasingly incorporated into MediaSport’s familiar commercial structure” (2014, pp. 49–50), the utilisation of VPNs and pirate websites by audiences points to a wider trend that returns us to the inadequacy of broadcasting legislation. Although free-to-air television still dominates the AFL broadcasting market, audiences are shifting their consumption towards online delivery, as demonstrated in Figure 1. Clearly, there is still a way to go before online consumption overtakes traditional modes of delivery, but current anti-siphoning legislation does not adequately account for audience behaviours moving in this direction, given that the regulation was created in an era when television content was delivered almost exclusively via either terrestrial transmission, or satellite/cable subscription:

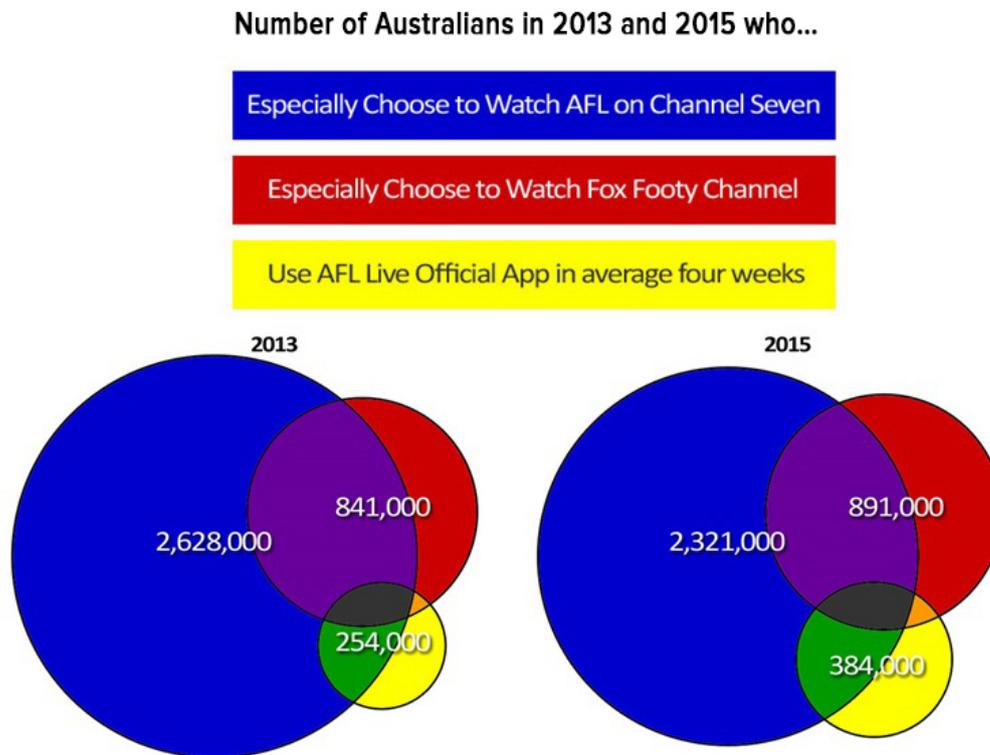


Fig. 1. Australians' AFL viewing fragments across free-to-air, pay-TV and streaming via app on mobile devices. All Rights Reserved: Roy Morgan Research, 2015. Single Source, July 2012–June 2013 n = 50,344 and July 2014–June 2015 n = 51,371 Australians 14+.

These types of changes in audience behaviour are themselves open to analysis. The threat to existing broadcasting business models and anti-siphoning regulations that the producer elicits, is based on their ability to utilise and evade anti-piracy technology and copyright enforcement methods—such as watermarking, digital rights management features, and geo-blocking—in new and unforeseen ways that are not entirely determined by these structures. In this respect, combining formal production investigation with producer analysis signals a new and exciting mode of research that differs from other approaches. Researcher-led producer analysis that involves participant observation and self-reflection, which focuses on “bottom-up” deliberations (Meese and Podkalicka, 2015, p. 96), can reveal the critical assessment and judgement processes (Schön, 1983, 1987) that an agent undertakes when dealing with structures such as regulation and technology, and how those structures may enable or constrain action. In essence, investigation along these lines can reveal, for example, how and why structures such as anti-siphoning laws, copyright legislation, VPNs, and pirate websites are supported, recreated, resisted, and transformed by the producer.

Broadcasting Reforms

Broadcasting regulation must be reformed to account for changing audience behaviour, internet-based delivery services, and increased competition from new entrants in the marketplace. In the first instance, and in order to address the disparity represented in Tables 1 and 2, anti-siphoning quota groups could employ a minimum, rather than a maximum, number of games to be shown on free-to-air television each round (i.e., not *less* than four games), and the provisions could be

extended to include a minimum number of games per team per market per year. Another relatively straightforward option would be for legislation to include a provision that obliges pay-TV providers to unbundle sports content from their tiers of subscription packages (Lotz, 2014), leading to a lower price-point for the consumer. Furthermore, as long as consumption moves towards online delivery, with sports content likely to remain behind subscription paywalls on these platforms, the anti-siphoning provision must account for this mode of distribution. If anti-siphoning reform moved in this direction, it would require the free-to-air networks who purchase these rights to deliver it without cost via their digital portals.

Far more transformative options exist. The government could require subscription-based rights-holders to provide a level of access without charge. This would require pay-TV broadcasters to reposition themselves as “multiple platform” operators who deliver content via “increasingly sophisticated capture and relay technologies” (Rowe and Hutchins, 2017). Such an approach may cater to differing levels of consumer affluence and fulfil the cultural citizenship remit by offering content at a range of prices according to varying levels of fidelity, ‘liveness’, advertising, delivery platform, and featured content. By adopting a freemium business model (Kumar, 2014; Rietveld, 2016), subscription services could capture audiences by providing delayed, advertiser-supported, low fidelity content on mobile platforms without charge, and then commercialise that audience by upselling them to premium coverage. Such a regulation could also be applied to direct-to-consumer models, where sports organisations leapfrog the broadcaster and sell their games directly to consumers (Rowe and Hutchins, 2014, p. 14). Finally, the government could enforce legislation that requires rights holders to offer sports content to competitors at a reasonable cost and on a non-exclusive basis (Evans et al, 2013). This line of reasoning follows the “essential facilities doctrine” (Evans et al, 2013, p. 97). This holds that that certain inputs, such as sports rights, are difficult to reproduce, yet so essential for participants to compete in the marketplace that in order to facilitate competition, “access is provided to the ‘essential facility’ for all market players on ‘fair, reasonable and non-discriminatory’ terms, which are overseen by broadcasting and/or competition regulators” (Smith et al, 2016, p. 545). In such a regulatory environment, because access to the essential facility is universal, providers are required to differentiate themselves in the marketplace through means such as customer service, presentation, and lower price points. While this outcome may seem contrary to the established order in Australia, such a situation already exists in the Singapore broadcasting market, demonstrating that such outcomes can be achieved. Without these changes, producer resentment about being funnelled toward the authorised gates of walled gardens could see a continued rise in VPN use and pirate website access, and a concomitant increase in litigation by rights holders against such access. Such an outcome would place further dependency on copyright protection laws to litigate against violators, despite the fact that copyright law itself faces considerable uncertainty (Davies and Sigthorsson, 2013; McIntyre, 2007).

Conclusion

In order to understand how anti-siphoning legislation can accomplish its cultural remit in such a context, a qualitative case study, that investigates a complex bounded contemporary system, where there is no clear delineation between the phenomenon and its context (Daymon and Holloway, 2011; Yin, 2009), is necessary. As the AFL is one of the largest and richest sports in the country, it would appear to be the perfect site for such a case study. Such an approach will identify the experiences of the agents involved at both the production and consumption ends, the factors that

influence them, and any opportunities that may arise as a result. Informed by the theories of structuration and the systems model of creativity, this type of study is currently being undertaken at the University of Newcastle by the author, to investigate the rules, resources, fields, domains and idiosyncratic behaviour of industry observers, executives from the AFL and their broadcast partners, Australian Government officers, emergent media employees, and AFL consumers who identify as producers. Already, some of the trends mentioned above have been identified through this research project, and with further investigation, the case study into the AFL broadcasting landscape—and the opportunities that are emerging from the changes in this landscape—will form the basis of a doctoral thesis.

As with most case study method, this research will utilise semi-structured interviews, and document and artefact analysis (Daymon and Holloway, 2011). Triangulation will mitigate the effect of bias (Radway, 1998), as will avoiding preconceived notions and keeping an open mind to alternatives (Dan and Kalof, 2008; Robson, 2011). In this respect, there is a burden on researchers undertaking critical analysis to be wary of what people are saying, as:

[S]ocial life has a tendency to be duplicitous... individuals and groups construct and present images of who they are and what they do that mask underpinning social realities... the most trivial areas of social interaction can be distorted through combinations of misinformation, evasions, outright lies and stage management or 'front'. (Sugden and Tomlinson, 2002, p 15).

As sport conceivably plays a role in allowing for the conceptual representation of a nation's culture (Rowe, 2004a), and given the sheer amount of money invested in broadcast rights (Schultz and Wei, 2013), an investigation into the tensions and opportunities that exist in AFL broadcasting may ultimately be instructive for best business practices, the formation of government policy, the adoption of technological innovations, and the meanings attached to the practice of consuming sport. An interdisciplinary qualitative research project, built on a strong theoretical foundation, that simultaneously collects data from formal production agents and informal producers, and that follows a process of rigorous data collection and analysis, will bridge the political economy-audience studies gap, by simultaneously revealing institutionally authorised production practices, and 'bottom-up' innovation strategies.

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