

**SUBMISSION OF**  
**Pacific Area Newspaper Publishers’  
Association**



to the

**Australian Senate Standing  
Committee on Environment,  
Communications and the Arts**

for the

**Inquiry into the Reporting of  
Sports News and the  
Emergence of Digital Media**

April 6, 2009

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## **Pacific Area Newspaper Publishers' Association (PANPA)**

PANPA is a not-for-profit association, founded in 1969 to represent the interests of the leading newspaper publishers of Australia, New Zealand and the Pacific Islands. Our mission is to engage, inspire and raise the standards of newspapers across every newspaper-publishing sector - rural, suburban, regional and metropolitan. Our remit covers management, journalism, advertising, print and production.

Members of the association are the individual newspapers – we are not underwritten directly by the publishers. Our Articles of Association dictate that PANPA is controlled by a board on which the largest and the independent publishers are represented and have voting rights. News Ltd is represented by Mr Campbell Reid, Editorial Operations Director; and Mr Joe Talcott, Director of Marketing. Fairfax Media is represented by Mr Robert Whitehead, Director of Marketing and Newspaper Sales; and Mr Allen Williams, Chief Executive of Fairfax Media NZ. APN News & Media is represented by Group Publishing Chief Executive, Mr Martin Simon. West Australian Newspapers is represented by Mr Liam Roche, Director of Operations and Information Technology. Independent publishers are represented by Mr Ross MacPherson, owner of MacMedia and Shepparton News.

Mr Whitehead is President of the association. Mr Talcott holds the Vice-Presidency and Mr Williams is Treasurer.

Membership also attracts those who supply the industry. These members are highly diverse, ranging from major manufacturers of printing presses to national and international news agencies. Suppliers have non-voting representation on the board. These members are: Mr. Andrew Leighton, of Norske Skog; Mr Peter Kirwan, of Goss International; and Mr Chris Pash, of Dow Jones.

We contribute to the improving standards of publishing by newspaper companies, whether in the print or digital domains. Along with other domestic industry organisations, PANPA is a proponent and defender of free speech and freedom of the press. It is the strongly-held belief of the association that a free press is a fundamental attribute – and a true test – of a pluralist, democratic society. We believe the public interest is best served by independent news gathering, conducted within existing laws and in alignment with the industry's established journalistic ethics.

### **PANPA's Interest in the Inquiry**

As a representative body of major newspaper and digital publishers in the region, PANPA is concerned with the conditions of operation for its membership; whether this embraces press freedoms, evolving publishing technologies or business issues. The association is committed to representing the interests of the publishers at this inquiry relating to, primarily, issues of public interest. The association, on behalf of its members, maintains that above and beyond any related issues, it is paramount the public interest is served by independent reportage of sport. It is the association's view that maintenance and further progress in ensuring an independent press, amid changing technologies and reader habits, can be achieved without allowing sporting administrators to compromise their own core value propositions for existing and potential sponsors or broadcasters relating to licensing and other commercial arrangements.

## Executive Summary

*On behalf of the membership of the Pacific Area Newspaper Publishers' Association, I would like to take this opportunity to thank the Australian Senate Standing Committee on Environment, Communications and the Arts for allowing this organisation to make its submission.*

NEWSPAPER companies in Australia, and national and international news agencies, are concerned with the increasingly restrictive rules that constrict the operations of a free press in its reportage of major sporting events in this country.

These rules are applied through the leverage of media accreditation. Sporting administrations use this as their leverage point for telling newspaper publishers and news agencies how they can act, report and distribute their own copyright materials.

In the commercial world of sport, newspaper publishers in Australia – indeed those globally – are concerned press freedoms have been compromised, and will continue to be the subject of greater restriction. It is our belief this is against the public interest, as it restricts Australians' access to legitimate reports, analysis and comment about the sports and teams they have loved all their lives, in the publishing medium of their choosing.

We believe these restrictions are against the public interest and potentially serve to

- 1.) Control a free press in the realm of sporting reportage;
- 2.) Restrict information to bona fide news organisations while sports bodies position themselves as publishers; (which they are welcome to do but without restricting information to others)
- 3.) Carve out legitimate publishing platforms and photography for exclusive licensing revenue; and
- 4.) Prevent Australians from accessing news about their favourite sport on the publishing platform(s) of their choice – print, web and/or mobile, and potentially any future delivery mechanism.

This submission outlines some of the key issues that have been raised nationally, and the impact on every day Australians who love their sport and their sports pages. Some of these issues include:

- Ban by Cricket Australia on reporting to the mobile platform, denying the public choice of information in that media
- Banning of photographers from Australian Associated Press to cover AFL games, which has had a dramatic impact on regional and local newspapers
- Copyright restrictions on photography taken by newspaper publishers, preventing exchange of images between newspapers
- Pressure to restrict reports / updates to the Web, undermining news judgments of legitimate newspaper publishers and their editors

PANPA members want a constructive and mutually beneficial relationship with sports administrators. They understand the dynamics of running major sports in Australia and the traditional licensing arrangement. There is no intention to undermine these. We believe there remains opportunities to continue to work together, ensuring the needs of sporting administrations, a free press and the public interest are all met.

It must be appreciated that new technologies are revolutionising the way the public accesses information. For a free press to remain and be relevant, newspaper publishers must adapt and change how and when they report, and where they distribute these reports.

For Australia and its future economic development, PANPA is particularly concerned about restrictive practices relating to the internet and the mobile platform. This country and its leading telecommunications companies continue to invest millions of dollars into infrastructure and new technologies.

These will be adopted only if the public values the available content and its utility. For newspaper organisations, with their market-leading newsroom resources and trusted brands, to be prevented from publishing to, or be restricted in, these environments should be concerning for anyone who believes in a free press and its importance in a democracy.

The public is served by a free, independent press – and we are all served by ensuring its reportage can be accessed on any publishing platform of the public's choosing.

***Inquiry reference:***

**a.) Balance of Commercial and Public Interests in Reporting and Broadcasting of Sports News**

IT IS important to state from the outset that newspaper publishers represented by our membership understand the importance of commercial interests of sporting organisations in Australia. There is no argument on the part of these newspaper publishers to undermine the licensing revenues gained from broadcast media, which provides interest and entertainment to the public. We believe the basis of the relationship between various broadcast rights and the access of the press has served the public interest well traditionally, and allowed sporting organisations and publishers to operate in a co-operative atmosphere across many sports.

It is PANPA's view that striking a balance that protects and upholds the public interest in accessing independent information can be achieved without detriment to the commercial interests of sporting organisations.

It is feared, however, that failure to protect the public interest and, instead, place priority on commercial interests – a trend we are now witnessing – will serve to diminish or even deny the public's access to sports coverage by newspaper publishers on mainstream and/or emerging technology platforms.

In the past year, we have seen a photography licence issued by the Australian Football League that has led to a number of concerns on behalf of our members. It has resulted in denial of access to games to the nation's leading news-gathering agency, Australian Associated Press (AAP). The ramification of this restriction on AAP has led to smaller, independent newspaper companies being told they must pay for photography from a commercial enterprise rather than obtaining photography through their AAP service, which is underwritten by ethical codes dealing with the impartiality of its journalism and news judgment. This situation also adversely affected major publishers, including West Australian Newspapers (WAN), which had used its comprehensive AAP service (which includes coverage of national affairs etc.) to help provide images for its extensive editorial coverage of AFL. This coverage by AAP for the west coast of Australia was essential. WAN also used Getty. And it had to seek a waiver from the AFL to continue a picture-sharing agreement with Fairfax Media.

Several publishers refused to pay last season. One affected newspaper was the Shepparton News, which has a circulation covering the Goulburn Valley of Victoria – a grassroots AFL area. The newspaper said it could not afford to maintain its reliance on AAP for all news and sports coverage (excluding AFL games) while paying an additional fee to an exclusive AFL licensee providing its own content. Shepparton News was not the only PANPA member in this situation. The 14 regional newspapers in Australia of APN News and Media, which publishes in northern NSW and Queensland, was forced to take the same action. It did not publish then-current AFL photos last season. In the view of PANPA, the commercial benefit of such an action by the AFL did not result in serving the public interest.



**It is very simple:  
Quality is derived from the basics (of journalism)**

**- J.B. Fairfax,  
Quill Awards 09**

These examples are put forward as an illustration of a wider concern. The public interest is significantly undermined when access of the press to sporting events is denied, or use of its materials is restricted, on the basis of commercial interest and opportunity.

PANPA, together with leading media industry associations from around the world, in January expressed concern regarding the balance of commercial and public interests as it relates to the coverage of cricket.

During the Australian summer, restrictions on, and demands made of, media organisations through media accreditation contracts issued by Cricket Australia forced organisations such as Associated Press, Getty Images, Agence France-Presse and Thomson Reuters to decline to cover the series against South Africa – a long awaited, highly-anticipated contest between the world’s top cricketing nations.

The issue revolved around agencies being asked to guarantee that their material would not be published to the mobile platform – a guarantee they could not provide on behalf of all of their thousands of customers around the world. A guarantee was not realistic. However, the affected organisations were additionally concerned about the direction of such restrictions and refused to abandon their principles.

PANPA has learned through the London-based News Media Coalition that this resulted in constricted coverage both domestically and internationally. Some South African publications were unable to receive coverage. News organisations in Australia that use services, such as those provided by Getty Images, voiced concern they were unable to provide the optimum coverage for readers. In this instance, again the public interest is served badly. Firstly, denying the Australian public the best possible coverage of the national sport is a disappointing outcome for the millions of Australians who read newspapers and value the additional depth and content provided by newspaper journalists and photographers, whether in print or through digital services. Additionally, it is not in the public interest for Australia to be seen as a society that restricts its press freedoms to such an extent that some of the world’s most trusted international news sources cannot write about cricket. To many Australians, such a situation is inconceivable in our society and would not be viewed as being in the public interest.

In an era of globalisation, when sports teams and competitions are world-leading brands in their own right, it would appear counter-intuitive to be placing such restrictions on national and international media organisations for cricket when every sporting administration constantly battles for audience and share of wallet.

#### **A reference to the importance of AAP and commitment of publishers to grassroots sport:**

AAP and newspaper publishers make a significant contribution to sports coverage in Australia. Aside from the obvious marketing benefits to sport that is received via coverage of the major competitions, PANPA members dedicated thousands of man-hours and millions of dollars in newsprint to the grassroots of each sport. For example, AAP is a key provider of tabulated results for horse racing, grade cricket, soccer, football, rugby league and many, many other sports. Publishers dedicate pages of their newspapers - local, regional, suburban, metropolitan and national - to these tabulated results. This



**A shift in the way that news is created and the way it is consumed**

**- Prime Minister,  
The Hon. Kevin Rudd,  
at PANPA 08**

is a significant commitment to the grassroots of sport that makes, in its own way, a contribution to the major competitions. Since the inception of AAP, this national news agency and the newspapers publishers have collaborated closely to provide Australians the best possible coverage of national news and events at manageable cost for every newspaper. Newspapers, such as the Sunraysia Daily or the Fraser Coast Chronicle, could not possibly finance a newsroom that could satisfy readers' news demands. Such newspapers rely on AAP for its services. When a sports administrator locks AAP's photographers out of the grounds, many publications are adversely affected; and so is the public interest.

Further, locking out publishers and news agencies from major venues and publishing platforms, while expecting them to dedicate resources to the tabulation of local sport scores in newspapers across the country, appears to PANPA as an unbalanced expectation. PANPA is not arguing that its members might not continue with this commitment – members believe it to be an important contribution to national, regional and local sports. It is part of the relationship between sports organisations and publishers and news agencies that must not be forgotten. It is an example of how common agreement and commitment works excellently in the public interest.

### ***Inquiry Reference***

#### **b.) The Nature of Sports News Reporting in the Digital Age, and the Effect of New Technologies (including Video Streaming on the Internet, Archived Photo Galleries and Mobile Devices) on the Nature of Reporting.**

THE NATURE of sports news and sports journalism is continuing to change due to the evolution of publishing technologies. The adoption of these technologies by the Australian public has made digital platforms mainstream media in our society. As Senator The Hon. John Faulkner said at a recent freedom of speech conference, in relation to the future publication of government documents: “The public sphere now includes the internet just as assuredly as the street-corner orators once did.”

Newspaper publishers have recognised this and invested millions of dollars and created hundreds of jobs in delivering its journalism to digital platforms - formats that are accessible and relevant to the public. To be denied access to sporting events to provide the very content that justifies these investments (and associated commitment to the public interest) makes little sense.

Commitment to, and investment in, new media platforms has not caused a fundamental change of thinking in how newspaper journalism should be conducted; or how newspaper publishers see how they should deliver their content to the digital platform. Mr John B. Fairfax said in a keynote speech at the Quill Awards in March: “It is really very simple. Quality is derived from the basics.” Newspaper publishers have not turned into IP-based TV companies or radio stations. Indeed, in the realm of radio, publishers have direct interests and ownerships in this genre of media.

PANPA argues that a failure to embrace digital platforms by newspaper publishers would in itself be against the public interest; to be denied the same press freedoms that exist for the print medium is therefore detrimental to the public interest. We see the various publishing platforms - current and future ones - as simply methods of access. It should be up to the public to make their choice about how they consume news, including sports reportage.



To be, and to stay, relevant in the digital medium requires innovation that leverages traditional newspaper capabilities. Newspaper publishers have consistently shown a desire to achieve this. Reference is made in the terms of reference to ‘photo galleries’. These devices are popular with readers and have become a standard content-set for news publishers.

They are a legitimate format for providing photographs of news events, business coverage, entertainment news and sport. PANPA has received reports of one sporting administrator banning photography from being used in this way as part of an arrangement with its exclusive licensee. This is an example of increasing efforts by sporting administrators to control how the public accesses information and how, therefore, Australians are being prevented from gaining information on their favourite sports.

Further, PANPA is aware Cricket Australia also wants to restrict the use of pictures for photo galleries. What is to be gained from such restriction is unclear. Certainly such “banning” as part of an agreement to obtain press accreditation denies the Australian public an innovative and popular way of enjoying cricket. An example of its power is how press photographers captured the catch by Adam Voges during a limited overs match last summer. It was such an extraordinary catch that it had its own news value. To be able to portray his heroics through a photo gallery added considerably to the quality of coverage that the public could enjoy. Now, it seems, major sporting associations want to deny this to Australians.

Video is also a standard and important component of any contemporary news website. Newspaper publishers understand the restrictions in circumstances where such content has been licensed. There is no argument to overturn well-understood concepts that have worked for everyone for many years. We believe that “Fair Dealing” provisions work well. We believe this is applied to genuine news reporting, as newspapers’ digital properties do not show play unedited but to illustrate a report in a similar way to which commercial television stations “borrow” vision from each other for sports news reports.

The ability to publish news to the mobile platform is becoming increasingly important for newspaper publishers. PANPA contends mobile will become an increasingly important point of access for Australians for all their news needs.

These changes are being felt even in the home of the Prime Minister. At PANPA’s newspaper conference last year, Mr Kevin Rudd described the changing news consumption habits of his own family, while stressing that newspapers’ contribution to journalism and quality debate had never been more important in these challenging economic and geopolitical times.

He told our industry conference: “Much has been written about the changing media environment in which you operate. The media landscape, of which you are an important part, has been transformed as communications becomes more diffuse. This is having a profound impact on your profession, just as it is having a profound impact on my profession and the whole way in which we collectively conduct our democracy.



The public sphere now includes the internet just as assuredly as the street-corner orators once did

- Special Minister for State,  
Sen. John Faulkner,  
‘Australia’s Right to Know’ forum, 2009



“Consumer habits are changing as people increasingly access news and information on laptops, Blackberrys and iPhones. And the corollary of this shift online is a shift in the way that news is created and the way it is consumed,” he said. “I’m still a devotee of print. I get most things that you write every day and I read it because I like to hold it. I’m the last of the Mohicans in our family. Neither my wife nor any of my three kids read a newspaper - they read it all online and that’s just the way it has been for the last several years.”

To stimulate use of major technology investments in this country, such as the National Broadband Network (NBN) and Telstra’s mobile NextG – and to maintain Australia’s position as a technically literate society and an early adopter – the public must be able to gain services from independent, trusted sources. Already, citizens can access websites on the mobile phone. Increasingly publishers around the world, and in Australia, are investing in strategies to establish services specifically designed for the mobile platform. Newspaper publishers need to publish their journalism to the mobile platform – in text and photography, as well as audio-visual news created under Copyright law and other arrangements. This commitment of trusted media and news brands serves to add substantial value to the availability of high-speed networks, whether they are to the home or wireless. It is a technology and publishing cliché that “content is king”; few others can claim to have the quality of content that is possessed and made available to the public than newspapers.

Cricket Australia in the past season has prevented news organisations from the publishing of content to the mobile platform as a condition of media accreditation. In the case of news agencies, they could not sign their accreditation documents as they could not guarantee their clients would not use their content on a mobile platform – even if that mobile service was in another part of the world. In at least one case, a global organisation was asked to declare its client list for vetting.

Newspaper publishers view the mobile platform as any other: it is a place where our journalism is accessed by our readers – those who love their sport and wish to read about it. The exact nature of this medium over the next decade cannot be predicted in terms of available technology, or the public’s expectation of services delivered by newspaper brands. Quoting Mr John B. Fairfax from the same speech referenced earlier: “Who really knows the destiny of news and information? Who among us has the temerity to tell us what will be 10 years from now? We are all in a learning process but more in a state of uncertainty. I am not prepared to make predictions about the future because technology moves so fast that almost anything is possible.”

This does not mean news organisations will change the core value proposition of their journalism. It means they must increasingly view every publishing platform – those that exist today and those of tomorrow – as ways to reach their audiences. It is a fair expectation that publishers will create new editorial-driven services to publish to the mobile platform but they will be honed with the ethics and quality applied by newspaper publishers in print.

It is well-recognised in this industry that the public’s demand for news has created three cycles of publishing: content for the handheld device, the web, and the newspaper. Each one demands a depth of information suitable for the medium. One cannot publish a newspaper article to a mobile platform, any more than a mobile alert is appropriate in print.

These demands are not being internally created by publishers but being driven by behaviours of our society which, in turn, are inspired by the technology being made available. To ban journalists and newspaper publishers from publishing to the mobile platform – and instead demand Australians pay a premium to an exclusive content provider – is not in the public interest and restricts the ability of Australians to access news on any available platform.

In reference to the phrase “premium content”, Australians must pay \$8 per month to the operator, 3, for coverage of cricket on the mobile platform. This is not to dispute the value of the 3 offering; or its right to offer it. The 3 cricket product is attractive to those who wish to see video highlights on their mobile phone at any time of the day. It is an attractive point of difference for 3 against its competitors – other mobile phone companies. However, newspaper publishers argue that Cricket Australia’s arrangement with 3 should not be conducted at the exclusion of legitimate independent reportage – that is, the text and photographs of newspaper publishers, news agencies and accredited journalists. PANPA views the publishing of journalism (embracing news, analysis and comment, and photography) as platform agnostic, as we believe this to be in the public interest. An increasing number of Australians will access their news on politics, business and current affairs on the mobile platform, as the Prime Minister has pointed out; to deny the public their sports coverage - because its news should be subject to different controls - would make no sense.

### *Inquiry Reference*

#### **c.) Whether and Why Sporting Organisations Want Digital Reporting of Sports Regulated, and what should be Protected by such Legislation**

FURTHER REGULATION would be a disaster for the public interest. PANPA argues that in no circumstances should legislation be used to decide what is “news” and what is not “news”; or what can be reported or not reported on the digital platform, or any other platform. This is the domain of independent news organisations and their editors. To regulate it in any form would appear nationally and internationally as draconian and out of step with modern, democratic societies.

At least one PANPA member is arguing for legislated protection of access for bone fide news organisations. PANPA can understand why such an argument would be made when photographers of a domestic news agency, committed to quality journalism in its charter, are banned from the grounds of major sporting events on the basis of a sport’s commercial relationship with another party.

Already, this submission has attempted to explain the dramatic impact this particular arrangement has had for Australians in regional centres and rural areas, as well as Perth. PANPA would like such situations to be remedied through a commonsense approach based on mutual respect and agreement rather than legislation.



***The AFL’s Geelong Cats and News Ltd’s Geelong Advertiser joined forces to combat street violence in their city***

### *Inquiry Reference*

#### **d.) The Appropriate Balance between Sporting and Media Organisations' Respective Commercial Interests in this Issue**

ON THE PART of PANPA's members, there is no desire to challenge the present commercial interests of sporting organisations, where those ambitions co-exist with the reality of news delivery and consumption. Their needs, as regards licensing of broadcast rights, for example, are well understood. A balance must be struck around recognition of public interest in terms of access to independent information and reportage of sporting events.

The Australian public, as stated before, now accesses their information in many and varied ways. It is PANPA's argument that the major news organisations – broadcast, radio and print/digital – have a public duty to provide such news services in the way the public wants to access them. Newspaper publishers see the digital platform – web and mobile – as key areas and should be treated no differently from the print medium in this context. Moreover, while we recognise the desire of sport to maximise revenues, we would be concerned if unrelenting commercial ambition traduced the existing and future news media landscape.

It is also important to recognise that commercial interests of sports are intertwined with newspapers. Sports pages serve to heighten the expectation of matches, making the public excited about their sport and the personalities who play it. To refute that newspaper publishers contribute to this sense of excitement - and on occasion great national pride - would be ridiculous. Newspapers and sport also work for the common good; committing resources together in the public interest. A good example of this is the way in which the Geelong Advertiser and the Geelong Cats, of the Australian Football League, have worked together in their home city to create a campaign called Just Think - aimed at reducing night-time violence.

Both the club and the local newspaper can be proud of the way they have worked together for the benefits of their local community, and each one has surely benefited from this association.

## *Inquiry Reference*

### **e.) The Appropriate Balance between Regulation and Commercial Negotiation in Ensuring that Competing Organisations Get Fair Access to Sporting Events for Reporting Purposes.**

THE ABIDING concern for achieving an “appropriate balance” must be the public interest. Negotiation rather than regulation is preferred by some but not all PANPA members. This will become clear in other submissions.

Some PANPA members feel the situation with sporting organisations has become so difficult that they have no other avenue but to seek legislation. PANPA argues it is essential for legitimate news organisations to receive fair access to sporting events for reporting and photographic news purposes, as well as the right of editors to decide how and when to publish this content.

It does not dispute, however, the right of sporting bodies to refuse access. PANPA is concerned when such decisions are based on protection of, or the existence of, an exclusive supplier/sponsor arrangement that locks out bona fide news organisations. Editors have voiced concern to PANPA about the legitimacy of coverage by any organisation that has exclusive rights and is beholden to sporting administrators to keep that exclusivity, which of course has its own commercial benefits. Editors say they fear “off-the-ball” incidents, or an incident in a crowd that has news value and is of public interest, will be ignored. PANPA argues that “no-other-choice coverage” offered by an exclusive contractor of a sporting organisation is not in the public interest when access is denied to any or many independent, news-gathering organisations that report without fear or favour.



Our real business is not printing on dead trees. It's giving our readers great journalism and great judgment

- Rupert Murdoch,  
Bowyer Lectures, 2009

## *Inquiry Reference*

### **f.) The Appropriate Balance between the Public's Right to Access Alternative Sources of Information Using New Types of Digital Media; and the Rights of Sporting Organisations to Control or Limit Access to Ensure a Fair Commercial Return, or for Other Reasons**

THE PUBLIC must have an absolute right to be able to use alternative sources of information. We must be careful not to cloud this obvious expectation by thinking that new

technologies give any organisation reason to deny the public, or to control the flow of information in a democratic society.

New technologies should offer greater choice; not provide the ability to restrict and control information. Ultimately, such strategies do not work, anyway. Public demand and behaviour overwhelms restricted environments.

So-called “Walled Gardens” of the internet, which were vogue in the 90s with companies such as AOL and even local operators like OzEmail, had a limited life-span. Plurality of information is not just expected by the public, it is demanded. New sources of information, and new and dynamic platforms, should be welcomed, encouraged and embraced. Newspaper publishers ultimately welcome these new opportunities even though they might cause stress in other parts of the business.

The ability of trusted news organisations to provide content with context is an expectation of the Australian public. To reduce or restrict it in any way serves only to retard technology adoption which, in turn, risks Australia’s own social and economic progress.

Additionally, while news organisations draw from a history of independent news creation and dissemination, they would see the recent evolution of sport organisations as publishers as being a welcome supplement to the public’s access to information. Ideally, such content would be published in line with journalism ethics. Given its source, (that is, from an official sporting body), PANPA would understand if this cannot always be the case. It would be hard for a sporting organisation to publish legitimate criticism or scrutiny of itself, especially if it was not in its commercial interest. That is why a free, independent media is essential – not just for sport but every area of our society and life.

### ***Inquiry Reference***

#### **g.) Should Sporting Organisations be able to Apply Frequency Limitations to News Reports in the Digital Media?**

NO. THE implementation of such restrictions suggests sporting organisations should have the power to decide what is “news” and what is not. To PANPA members, this is unacceptable. Decisions on news values must be made independently, without fear or favour: this is the basic principle of a free press and should not be modified in any way for any enterprise.

News happens with a timing that cannot be predicted. A facet of digital media is its ability to break news. Publishers can see from user surveys and usage patterns that the key demand of users of news websites is “breaking news” – provided by RSS feeds, email alerts, Twitter, dynamically loaded web-pages and so on. These can be delivered either to the traditional web environment or to the mobile platform.

Delivering news in this way has quickly gone beyond a technical capability. The expectations of the Australian public have been re-framed, as they relate to how our citizens wish to consume news. In reference to the mobile platform, newspaper publishers are seeing a faster move from web to mobile than from print to web.

Some might argue the mobile platform is used by a minority today and can be treated differently. PANPA members see the situation differently. The mobile platform will become an even more mainstream news channel in Australia in the next five years; therefore it should not be treated differently to the web environment or print media in terms of press freedoms and the public's right to access information. We do not believe it is appropriate to create time-scales within which the components of news – whether written or photographic – can be used. Reporting yesterday's news today, today's news as soon as possible, and tomorrow's news now has always been part of cycle of preview news, contemporaneous news and historical review.

### *Inquiry Reference*

#### **h.) The Current Accreditation Processes for Journalists and Media Representatives at Sporting Events, and the Use of Accreditation for Controlling Reporting of Events.**

MEDIA ACCREDITATION is the leverage point for sporting organisations. Disagreement with the terms and conditions of the accreditation results in **1.)** independent negotiation by individual publishers; or **2.)** compliance; or **3.)** a refusal to provide coverage, as we have seen with many international news agencies that decided to not cover the recent Australia v. South Africa test series in Australia.

PANPA has seen accreditation documents that demand the power of veto over distribution of content owned by news organisations. Complaint has been to PANPA about efforts to restrict the ability of one newspaper to share photography with sister publications in other parts of the country without being subject to a sporting organisation's veto, or copyright charge. Small newspaper publishers have been denied accreditation on the basis they have insufficient staff to cover every match for every round. This is also true for West Australian Newspapers - an important metropolitan and regional publisher, which has also seen its AFL accreditation restricted on the East Coast simply because it does not have the manpower or budgetary resources to attend every game, every week; yet theirs is the most important print and online coverage of AFL by any publisher in Western Australia, home to fans of the Eagles and the Dockers.

Separately, media companies have been told they cannot enter a ground hosting a Cricket Australia match if they allow their journalism to go to the mobile platform.

Accreditation has even insisted on photographers standing behind public barriers when covering a street parade.

Photographic rights have been an issue. Publishers have been told they must sign over shared rights to photographs that are on-sold to individuals even though it is their own photographer that has taken the photograph, and either the photographer or the publisher owns the copyright.



Demands for right of veto, and revenue, are made for photographs that are requested for book covers, calendars, editorial posters and the like. Such conditions are not acceptable to newspaper publishers but refusal to sign an accreditation on this basis is a high price as readers have a legitimate expectation that their favourite newspaper will provide the full range of coverage of their favourite sport, and of their favourite teams, through all the creativity that newsrooms can deploy.

There is no argument with the need for an accreditation process to ensure access is given to legitimate news organisations and journalists. We agree sporting administrators should select who receives accreditation. However, to use accreditation as a form of control of an industry whose business model is well-known is inappropriate. Accreditation should be given on the basis that a sporting organisation understands and accepts what a journalist and a publisher does. To be told what can be written, when it can be written and where it can be published, and even where they can stand in a public street, places arbitrary and unwarranted controls on an independent press, and as such is not in the public interest.

Such restrictions, sadly, indicate that sporting administrators fail to recognise, or do not accept, the benefits that newspaper publishers provide in terms of exposure and excitement to sport.

### ***Inquiry Reference***

**i.) Options other than Regulation or Commercial Negotiation (such as industry guidelines for sports and news agencies in sports reporting, dispute resolution mechanisms and codes of practice) to Manage Sports News to Balance Commercial Interests and Public Interests**

WE CONTINUE to believe that existing self-regulatory methods of describing the event and news functions as the best solution, as this model provides flexibility to consider new technologies. PANPA members have attempted on many separate occasions, with many different major sporting administrations, to find amicable and commercially viable solutions for both parties.

We regret the current situation in which PANPA members – newspaper publishers, news agencies and associated news providers – feel they are being pushed into a tighter and tighter corner by domestic and international sporting bodies as every season goes by.

PANPA feels that in Australia, our members have attempted to co-operate. Ultimately, they are failing to find a middle ground in which the public interest is protected against increasing commercial demands for control of information through commercial licensing agreements made with organisations whose charters are not independent news gathering.

The restrictions laid down by Cricket Australia regarding the mobile environment are the most severe. PANPA is also concerned about the exclusion of Australian Associated Press photographers at AFL games, and the ramifications this has had for newspaper readers in regional areas who prefer their own local newspaper to the metropolitan perspective of the larger newspapers.

Where sport feels that its intellectual property has been genuinely breached, it already has the means to use existing statutory provisions to seek redress, as is the case with news organisations where they feel their copyright content is being abused.

Ideally, PANPA does not want to see regulation. Its members believe regulation or legislation is a potentially an onerous burden on our legal system, and therefore on society. For regulation to decide what is news (and what is not), is an excessive response and one that could potentially cause no-end of disputation and conflict.

Often news editors and their journalists argue over what is news and what is not – journalism is neither a science nor a discipline that can be conducted via a series of benchmarks or precedents. It requires intuition and a feel or knowledge of the public interest because our newspapers fail if they do not pass this test. To impose regulation would establish such a restrictive precedent to free speech, freedom of information and public interest, it is too horrific for any democracy to contemplate.

**Author: Mark Hollands, Chief Executive, Pacific Area Newspaper Publishers' Association**

**Signed:**

A handwritten signature in black ink, appearing to read 'M Hollands', with a horizontal line underneath.

**Date: April 6, 2009**

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