

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

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I would like to thank the senate committee for providing me with the opportunity to provide my perspective on the issues addressed in the inquiry.

I will provide my analysis of the questions raised by the committee in a moment. First I wish to offer my views on an important distinction that needs to be made in regards to Sports broadcasting. It is vital TV companies that pay rights for sports coverage should not have their capacity to earn income affected by coverage offered by broadcasting rivals. TV companies often support the sports they broadcast by the rights fee paid, and they in turn look to recoup their outlay, and make a profit by broadcasting these events. Therefore no pictures or footage of these sports should be available on any outlet until these matches are broadcast within a reasonable time period.

Does this mean there should be a news blackout until these matches are complete or broadcast? For many reasons the public would not be served by such a ban. The freedom to report news is fundamental to a democracy. The moment a television company can censor rival news organisations content in regards to news reporting we would find ourselves on a very slippery slope.

I also believe online and digital media are being singled out for special treatment in a way that radio broadcasts are not. So, why should any special rules apply to online media when radio broadcasters are given a free run?

A) the balance of commercial and public interests in the reporting and broadcasting of sports news.

The public has a right to know. The freedom of the press, including online, needs to be protected. If an individual wishes to learn the result of a sporting contest without watching the TV coverage they should be able to do that. In Western Australia we often have sporting events delayed by TV companies for commercial reasons. Once a TV company opts not to broadcast a match live it has to accept that the result and details of that event will be available on a variety of media outlets. I would suggest the public would prefer to see sport as it happens and does not agree with the practice of delaying coverage. The recent anger in Perth over the failure of Channel 10 to broadcast the AFL season opener underlines this point.

Online services may provide running copy on a sports event. No one could reasonably argue that this would be a more effective form of coverage than actually seeing the TV pictures. In Australia it has become established practice for TV Companies to purchase sport as a revenue raiser and then schedule the broadcast later in the day to try and maximise revenue returns. I would suggest this practice is totally at odds with established practice

elsewhere in the world where TV companies always broadcast major sporting events live. The fact online services provide running copy therefore has no effect as anyone who wants to see the action has the facility to do so.

B) the nature of sports news reporting in the digital age, the effect of new technologies (including video streaming on the internet, archived photo galleries and mobile devices) on the nature of sports news reporting.

The advances of new technology make the control of the material difficult. Any individual can use the video facility of their mobile phone to record a sporting event and then use a public domain to make that material available. You can ban mobile devices from events but it would be exceptionally difficult to police the rules.

The real focus needs to be on the major digital and online broadcasters. Match footage obviously can't be shown while a game is in progress, and possibly not until the broadcast is over if the rights holder delays the match coverage.

I believe photo's should be allowed, however perhaps they should be limited in the number allowed on a News website.

It is now possible to have blogs, which are regularly updated with text updates on matches. These I believe are perfectly acceptable, and pose no threat to the broadcaster. This form of reporting is even less of a threat than radio broadcasts which are live, and often streamed on the internet now.

C) Whether and why sporting organisations want digital reporting of sports regulated, and what should be protected by such regulation.

Most sports in Australia are seeking increased exposure of their events. Without the oxygen of publicity most sports would struggle to attract sponsorship and participants. I believe the few sporting organisations that do call for restrictions on reporting are doing so under pressure from the TV companies that own the broadcast rights. The TV companies have their own selfish reasons for wanting their sports to be exclusive. This works against the public interest, and I believe in the long run can affect the viability of the sports.

There is also the possibility that sporting organisations wish to receive payment for access to events. This too should be resisted. A free press has the right to report on the event, and the way the sports are being run. Furthermore how much scrutiny would organisations be under if only broadcasters they approved of had access to report these events?

D) the appropriate balance between sporting and media organisations' respective commercial interests in the issue.

There are always potential conflicts between the commercial partners supported by sporting organisations and those of the media outlets broadcasting events. Where commercial companies have bought naming rights for a team they should be referred to by

their full name e.g. Emirates Western Force. The exception to this is the ABC for obvious reasons.

Media outlets should help sporting bodies secure the sponsorships to help them thrive and not deny coverage based on rival commercial interests.

E) the appropriate balance between regulation and commercial negotiation in ensuring that competing organisations get access to sporting events for reporting purposes.

Cricket is a good example of how the balance can be achieved. Channel 9 has the rights to broadcast the test match action, but all other TV outlets are allowed into the after match press conference.

All news outlets should have access to sporting events providing it does not interfere with the actual broadcasting of the event.

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.

Again this relates to the distinction in broadcast rights and news access. If you take the Olympics as an example, there is no restriction on the press in covering the Olympics. The Press does not pay a rights fee to report on the games. It is understood that the press should be free to report the news, and online versions of the press should have the same freedoms.

The possible problems with new digital formats are the ability to broadcast video. This is no different to TV stations not being able to use match footage to illustrate certain stories and relying on training vision instead. Providing the digital media are not breaking broadcast rights agreements they should be free to report on all stories and not restricted.

G) Should sporting organisations be able to apply frequency limitations to news reports in the digital media.

In the past in Australia it hasn't been necessary to apply frequency restrictions to news reports as free to air stations only had 3-4 news bulletins a day in which the match action would be shown.

With the advent of 24-hour news stations, and on demand digital platforms it is a fair question to ask. Should a TV station or online service be able to show the match footage every hour for 24 hours?

My view is the broadcasting rights holder rarely if ever re-broadcasts the matches or provides a highlights version therefore their interest in the product ends at the end of the transmission. It therefore makes sense that no restrictions are placed on news outlets.

As TV stations include their station logo in the broadcast presentation the regular reports on digital platforms will highlight that to have seen the game live you only needed to watch the station with the logo displayed.

H) the current accreditation process for journalists and media representatives at sporting events, and the use of accreditation for controlling reporting on events.

I think it is perfectly acceptable for sporting organisations to ask media to apply for accreditation. There have to be controls on the amount of representatives from an organisation attending an event. There is also the additional burden on organisations to make events safe, and having media accredited ensures a potential security loophole is closed.

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.

There will always be a temptation for TV companies to try and gain an advantage over rivals by trying to stop them from attending events they hold broadcast rights to. It is felt by the organisations that having paid substantial sums to purchase the broadcast rights they should gain all news stories as a result.

All they have bought though is the right to broadcast the event action not the news stories that surround that event.

I would suggest that it is in the interest of all sporting bodies to safeguard the interests of all media organisations to maximise the exposure of the sport.

They could learn from the experience of some sports in other international markets that have moved coverage to non free to air stations – interest in these sports waned as news outlets stopped covering events.