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World Association of Newspapers

Exchange of letters between WAN and the Australian Football League

Letter from WAN to AFL CEO Andrew Demetriou, 21 June 2007

Dear Mr. Demetriou,

We refer to the letter from Dr. Colin McLeod dated 15 March 2007 responding to our concerns in relation to the AFL media accreditation process.

Our concerns as set out in our letter of 8 March 2007 are limited to the rights of newspapers and news agencies to have editorial access to sporting events in order to report on those events. We are not concerned in relation to the arrangement you may have set up with any third party for the commercial exploitation of AFL images, but simply request equal access for all news agencies and newspapers to receive accreditation to attend and record images of the matches for editorial use. Dr. McLeod's letter did not address that issue.

We strongly hold the view that the AFL's decision to curtail editorial media coverage for the 2007 AFL season is a dangerous erosion of independent and impartial press coverage, not only of the AFL, but also of global sports if the precedent is replicated by other governing bodies around the world. Such a restriction in any area of news coverage would deprive readers of unbiased photo-journalism and usher in an era in which a legitimate news story could potentially be held hostage to vested interests.

Unfortunately Dr. McLeod does not appear to be fully informed on the matter, and we would like to set a few things straight.

As Dr. McLeod suggested we have liaised with Getty Images regarding the editorial access rights previously granted to them, and received confirmation that those editorial rights (versus commercial licensing rights, which we are not concerned with here) were not and have never been exclusive to one photographic agency. In fact, we understand the contract with Getty Images specifically provided that the AFL had full rights to accredit other photographers for the purposes of editorial reporting. Editorial photographic accreditation rights were not limited

to Getty Images over the course of the last 10 years.

Dr. McLeod's assertions regarding the number of media granted accreditation is irrelevant as it includes all journalists granted rights to attend the game, it does not address our specific concern regarding the restrictions on accreditation of photographers. It is unclear to us why accreditation restrictions are placed on photographers, but not on journalists, and it is impossible to avoid the conclusion that this can only be due to the relationship between the AFL and its official photographer. The publication of images and text must be treated with the same approach for the sake of maintaining a transparent information management policy that respects the freedom of the press.

We have also contacted a number of editors of Australian newspapers at Dr. McLeod's suggestion. They do not all share Dr. McLeod's view that editorial freedom is alive and well in relation to photographic access to AFL. On the contrary, their view is that a sports governing body should not have the power to unilaterally and discriminatively prohibit certain newspapers and news agencies from attending and providing photographic images on sports matches. The reasons for their concern are obvious - while they may be accredited this year, they run the risk that this accreditation may not be granted in future years. Indeed the issue goes further than that - if their report of events may, for whatever reason, be adverse to the AFL, they can understandably be concerned regarding their future accreditation. This is a clear breach of the editorial freedom and independence for all news reporting bodies, both newspapers and news agencies, making it difficult for us to achieve the impartial and independent coverage that it is our mission and duty to provide to our readers.

On a more immediate level, we understand that some of the international news agencies on whose behalf we write have been contacted by newspapers concerned that the breadth and quality of editorial coverage of AFL matches available to them this season has diminished considerably compared to previous seasons. These newspapers are also concerned that the prices they are being asked to pay have risen sharply. In this regard, we consider that the AFL's activities might constitute anti-competitive behaviour. We reserve the right to submit copies of our correspondence to the ACCC and request that they investigate.

Lastly, we have noted publicity recently regarding the AFL's plans to expand its international strategy by arranging friendly matches to be played outside of Australia with the aim, amongst other things, of increasing exposure for sponsors. In particular, we understand that an exhibition match between Collingwood and Adelaide is planned to be played in Dubai next year and that other clubs are also considering travelling to Japan, China and South Africa. In view of the unparalleled international coverage and distributional channels potentially available via WAN members' publications combined with the international news agencies on whose behalf we represent, we are surprised that AFL does not welcome the opportunity of attracting more widespread photographic coverage as this would only compliment its own international strategy. As it stands, we must reiterate that we are unable to consider any coverage of AFL games played outside of Australia while

this matter remains unresolved.

To conclude, we are mainly concerned with one specific matter - the rights of the press to provide independent photographic coverage for editorial purposes. We therefore repeat our request that the AFL immediately address this issue by lifting its access restrictions on media accreditation for editorial photographers.

Yours sincerely,

Timothy Balding
Chief Executive Officer
World Association of Newspapers

Letter from the AFL to WAN CEO Timothy Balding, 16 March 2007

Dear Mr Balding,

Thank you for your letter of March 8th, outlining your concerns about the AFL media accreditation process. In response, I would like to advise the following:

- ▶ The AFL regularly accredits international media, including photographers, but we only accredit one photographic agency to handle both domestic and international sales of official AFL photographs.
- ▶ There is no change to the AFL photographic accreditation policy in 2007, other than the change in official photographic agent from Getty Images to Geoff Slattery Publishing, the latter operating under license as AFL Photos.

Apart from the appointment of a new agency, the policy has been the same for over 10 years in that we have used a single agency to manage domestic and international requests.

- ▶ There are no additional rights conferred to AFL Photos that were not provided to Getty Images under the previous contract.
- ▶ The AFL currently provides photographic accreditation to many Australian newspapers as well as several overseas publications. In 2007, we will provide accreditation to over 200 photographers who work for various newspapers ,around the country and overseas.
- ▶ Given that we accredit over 1500 media annually, including the 200 photographers mentioned above, your inference that the AFL is attempting to interfere in editorial freedom and independence and determining what stories and images the public will see is hardly credible.
- ▶ I would also suggest that you might find it instructive to call some Australian editors and find out firstly whether the AFL has ever attempted to control their written or photographic content and secondly what their responses would be if the AFL were to ever make such a

request.

I am sure that if you were to talk to Australian newspaper editors, you would quickly conclude that editorial freedom is alive and well in the Australian media, particularly in relation to the AFL.

I am sure that Getty Images, as one of your member agencies, would be happy to confirm that the information provided above is correct, and that there has been no change to the AFL Policy. We believe the AFL Policy has successfully balanced the interests of the public, protection of the AFL Intellectual Property and the rights holders for over a decade, so the AFL has no plans to amend the policy.

Accordingly, I have to confirm that the AFL will not be approving the accreditation applications that were lodged with us in late February.

Yours sincerely,

Dr Colin McLeod,
General Manager, Marketing, Communications and Public Affairs
AFL

Letter from WAN to AFL CEO Andrew Demetriou, 8 March 2007

Dear Mr. Demetriou,

I am writing to you on behalf of the World Association of Newspapers, which represents 18,000 publications in more than 100 countries together with a coalition of the world's major news agencies (Getty Images, Agence France-Presse, The Associated Press, Reuters) which supply text and photos to all global media, to express our concern about the AFL's decision to curtail and control photographic media coverage of the 2007 AFL season.

While global news agencies have not previously covered all AFL matches our concern is that the AFL has declared, both in its own media release and in response to direct inquiries from global news agencies, that the AFL itself will now be the exclusive agency that can provide the media with AFL images and that it will no longer provide media accreditation to global news agencies for any games in the 2007 AFL season.

It is our firm belief that your refusal to allow us media accreditation for the 2007 Season not only deprives our readers and clients of access to important information on a public event, but constitutes both an interference in editorial freedom and independence and a clear breach of the right to freedom of information as protected by numerous international conventions.

We are alarmed that in the name of maximising the commercial exploitation of these events, the AFL should effectively take the unprecedented step of turning its back on the news media which give life, on a daily basis, to football in all its different manifestations all over

the world and have done so for decades.

We reserve our rights with regard to our legal options and also see it as our duty to bring to the attention of your sponsors the very clear loss of exposure from which they will suffer owing to the AFL's new media accreditation policy. In addition, without media access rights in Australia we are of course not in a position to consider coverage of any AFL games played outside of Australia.

Needless to say, if you are ready to revise the AFL position and to restore the access rights to which we believe we are entitled, we are ready to discuss this with you.

Yours sincerely,

Timothy Balding
Chief Executive Officer
World Association of Newspapers