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Reuters Submission to the Australian Senate Standing Committee on Environment, Communications and the Arts: Inquiry into the reporting of sports news and the emergence of digital media

1. Introduction

Reuters News, part of Thomson Reuters, is the world's largest real-time news agency and, through its text, pictures and video services, reaches over 1 billion people every day. The Reuters news service operates out of 196 bureaux across the globe providing subscribers with up-to-date information ranging from business across the full spectrum of human interest including politics and crime, conflict, natural disasters, moving human moments, sports and entertainment. In many cases, newspapers, magazines and broadcasters rely on Reuters as their sole provider of foreign news.

Reuters strongly believes that there can be no better promotion for any sport than the availability of timely, unbiased information to as many newspapers, websites, broadcasters and magazines as possible. International news agencies have the ability to constantly and consistently deliver this information globally to both developed and emerging economies; to very large and very poor media outlets. It is the agencies which ensure that, whatever the economic climate, newspapers are able to keep sport on breakfast tables across the world.

There is a considerable difference between basic reportage of matches and the kind of coverage the agencies are able to offer. Background information, anecdotes, statistics, historical information and a variety of wonderful imagery all combine to make agency file the sought after tool it has become for news and sports editors. Attempts by sports bodies to control not only the way in which agencies cover sports events but also the manner in which they deliver it, are of increasing concern. More than that they beg the question of whether or not continued coverage of the sport, especially if it is a sport of minority interest (whether for reasons of prestige or geography) to agency subscribers, is worth pursuing.

We accept, unreservedly, the need of sporting events organisers to protect their commercial entertainment rights. However the interests of Reuters and the other news agencies as news gatherers – and through them the democratic rights of the global community at large to be informed - must also be respected if fair editorially sound coverage of sport is to continue.

There is a clear distinction to be made between commercial coverage of a sports event which provides an entertainment service much loved and requested by sports fans globally, and **news** coverage of the same event which provides a public information service with factual reporting on the sport in question. The two types of coverage meet different needs and can exist side by side. News coverage of a sporting event cannot compete with live commercial coverage provided to entertain the public, and does not try to do so. Editorial



coverage is complimentary to commercial coverage and broadens the experience to include people from all walks of life in all locations.

2. The balance of commercial and public interests in the reporting and broadcasting of sports news

There should be no distinction made between the reporting of business, politics or entertainment and the reporting of sport.

It cannot be denied that commercial coverage of sporting events is crucial for the generation of revenue which is ploughed back into sports at both grassroots and professional levels. However, Reuters believes that this must be balanced with the right of the public to access information and not only restricted to the unfolding sports events themselves. The performance and behaviour of sports men and women, and those around them - in and out of the competitive environment - is of major interest to the public. Millions are inspired and motivated by their achievements. Equally when racism, corruption or excessive commercial interests taint the sporting world, the public has the right to know. Accurate, unbiased and timely reporting from independent journalists, can neither adequately replace nor be replaced by commercial coverage which is dependent on funding by sponsors, advertisers or subscribers. Bringing the sport into disrepute (a phrase more and more frequently present in terms and conditions for accreditation) results in loss of sponsors, loss of public esteem and loss of revenue. Easy then to imagine the dilemma faced by organisers when controversy is linked with their events or sponsors. To publish or not to publish? When commercial interests are at stake the boundary between what constitutes bringing the sport into disrepute and what is simply accurate reporting becomes blurred and an unhealthy environment develops. Commercial agreements with sports bodies place restrictions, demands and limits on not only the type of coverage that can be provided but also the audience in reception of it. With an increasing number of premium events now available only via TV subscription services, it has become more important both for the public and the sports themselves to receive coverage on other platforms - both traditional and emerging. However valid commercial interests may be, they should not be allowed to inhibit free and fair reporting which serves a completely different purpose and cannot be replaced by commercial coverage of sporting events.

3. 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 sports news reporting

Press freedom must not be allowed to become a casualty of technological innovation.

Technology is moving at the fastest pace ever and has provided everyone with new commercial opportunities. However broad the commercial possibilities may be, free, unfettered news reporting in any arena must be sacrosanct. The suggestion that certain platforms should be exempt from the general principles of news reporting is a dangerous one. While everyone understands the need to protect the commercial value of sports



properties to rights holders and organisers, it must be recognized that the ability to freely report **and disseminate** news - across any platform - must be equally protected. The public's demand for news is not limited to any one platform, indeed the public is quick to embrace new technologies and demands the same quality news coverage of sports (and other topics) as are available to them on other established platforms.

The issue of video streaming is often a red herring. No sensible argument can be advanced to allow the live streaming of a sports event by a non-rights holder and neither is that sought by news providers. However, should an unfortunate incident such as a terrorist attack, structural collapse or other accident occur during an event, who would argue that the public does not have a right to see the ensuing images live on every outlet available? This, in essence, is the difference between live news and live coverage of sport.

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

There should be no need for regulation when it comes to reporting news.

Press regulation is the mainstay of restrictive regimes where accurate and fair reporting is eschewed in favour of a controlled media. However, commercial values must be protected and to this end a clear distinction should be made between the commercial entertainment value of sporting events and the news reporting of those events. Event organisers have little to fear from bona fide news organisations. Everyone would benefit from the establishment of a code of standard practice which would give both journalists and organisers sensible guidelines along which to work.

5. The appropriate balance between sporting and media organisations' respective commercial interests in the issue

Sport as entertainment should not be confused with sport as news which, in itself, holds little commercial value for multi-media organisations.

There is no doubt that the commercial value of live sports coverage is more than significant. The value of sports coverage to bona fide news organisations is somewhat more ephemeral. Financial and general news are the mainstays of our business with sport relatively low on the priorities list. The interest in sport cannot be denied but it is not a money-spinner for agencies. Sport is expensive to cover. It is a specialist area which requires specialist staffing. While it is an important component of the overall agency service, it would be entirely wrong to believe that sports coverage generates massive income for agencies. The agency business is largely subscription based. There is little or no value in ad hoc sales. Millions of pounds are poured annually into sports coverage but subscribers are not required to pay extra for sport or to contribute more if a particular year yields particularly prolific sports coverage. The value of sport, from an agency perspective, lies in the need to keep the public informed across the broadest possible spectrum of daily news coverage. The provision of regularly updated sports news plays a significant role in the global development of sports as a whole and enables individual news organisations to report on a variety of sporting events thus providing their subscribers with a diverse and balanced choice of sporting information which would otherwise be too expensive to provide.



The Reuters Trust principles, which govern how Reuters operates as a news agency, are about integrity, freedom from bias and independence. Our concern is that those values are protected and not that the commercial interests of the sport should be damaged.

6. The appropriate balance between regulation and commercial negotiation in ensuring that competing organisations get fair access to sporting events for reporting purposes

An internationally accepted set of common terms and conditions applicable to editorial use should be created to ensure transparency and eliminate the need for constant negotiation.

This can only be achieved through the collaboration of media organisations and sporting bodies. Common terms and conditions applied across the spectrum of sports would ensure that everyone has fair access to events for the purpose of news reporting. Similarly, a code of standard practice could reduce the need for continual negotiation and establish guidelines within which all parties could operate. Essentially, we submit that access to events for journalists should not be used as a means of controlling the free and unbiased flow of information.

7. 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

If the purpose of sport is to engage and inspire the public then it can only be beneficial to allow reporting to take place across all platforms.

The public should be given the widest choice of platforms from which to access information. The public should not be penalised for wishing, for example, to access their information online rather than through a newspaper. It seems impossible to support a view that any body should be able to dictate where the public must go to see news about a sporting event even when the body can dictate where the public must go to watch the live event itself.

The area which is potentially the most contentious is editorial coverage of sport on mobiles. This is a new technology and one which sports bodies are looking to commercialise. We believe that there is no difference between the mobile platform and other more established news platforms such as newspapers, television and internet. Indeed, excluding mobile use is practically impossible given that mobile devices can now access regular web content.

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

There should be no limitations placed on updated information within the context of editorial use.



This limitation stems from the erroneous belief that news gatherers excluded from accessing rights-held video coverage, will attempt to 'simulate television' by means of frequent stills and/or text updates. From an agency perspective this is not within our scope nor would we wish it to be so.

There is no substitute for live coverage. In the same way that the public is able to access the latest breaking political or financial news, they must be allowed access to current, accurate sports news. There is a clear delineation between the live broadcast of events and updated coverage. The live broadcast of a football or cricket match can in no way compare with written or photographic coverage albeit regularly updated. The right of a broadcaster to exclusivity when it comes to live match-action is incontestable and Reuters has been very clear in its support of those rights agreeing, for example, that it will in no way attempt to simulate live television by means of high speed motor drive sequences or attempt ball-by-ball commentary. However the editorial right to disseminate Reuters copyright material - whether text, pictures or video - must remain with Reuters and cannot be restricted. While we accept that restrictions placed upon third party coverage we might seek access to from time to time (and this applies more frequently to video than to any other service) are inevitable, the choice remains ours as to whether or not we choose to accept and pay for that coverage. The same limitations cannot be placed on coverage generated by our employees the copyright of which remains ours. In practice, we are not aware of any specific example of online use of photographs in the news which has caused concern to any sports body.

We seek only the same treatment of news about sport that applies to the news coverage of any other political, financial, cultural or global news story.

9. The current accreditation processes for journalists and media representatives at sporting events, and the use of accreditation for controlling reporting on events

Terms and conditions should be made public in good time and should be separate from the administrative process of registering for accreditation.

- The current accreditation process has become unwieldy and inefficient. Terms and conditions must be agreed to in order for accreditations to be issued. This is difficult for both parties particularly when organisers refuse to address concerns until the very last minute and then threaten not to admit journalists because they have not applied for accreditation.
- While it is obvious that terms should be agreed before coverage can begin, the administrative process of listing the details of media participants should be a separate process. This would enable organisers to collate and check the numbers of journalists, photographers and video operators in good time ahead of events whilst simultaneously being able to engage in any ongoing discussions relating to the terms of coverage.
- We also believe all the terms and conditions applicable to the accreditation should be contained in the accreditation document we are asked to sign. The document should not reference other documents containing further terms and provisions. Problems have arisen where news organisations have taken on good faith



assurances that terms referenced but not provided were only operational in nature, when in fact they turned out to contain restrictions which should at the very least have formed part of the accreditation documentation.

- Similarly, we have also been asked to accept provisions allowing the sports body to change the terms and conditions after we have signed them. Many currently reserve this right and whilst it does not seem to have been used in practice, it could negate the negotiations if after signing the agreement they replace them with the original version or worse! It seems an unusual term to ask the media to sign up to and is not something that would be seen in any other type of contract!
- The practice of inviting the press to attend events and then ambushing individual journalists with so-called 'standard' terms for covering the event as they arrive should be outlawed. An invitation to a press opportunity should not provide an opportunity for organisers to attempt to influence how and when the coverage is used.
- The right to exclude journalists at will without any form of recourse is also inappropriate. All media organisations accept that they are responsible for the behaviour of their journalists and indeed, for the way in which those journalists report on events. It should not be within the gift of the organiser to set the news agenda by threatening to evict journalists who bring the relevant sport into disrepute. This implies that organisers have the ability to influence what is written. This is clearly in breach of the principle of independent and unbiased editorial news coverage and would be in breach of the Reuters Trust Principles which have long protected the quality and independence of Reuters news coverage.

10. 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.

An industry code of practice relating to the creation of terms and conditions and their implementation would protect press freedom, plurality and the right to information whilst guarding the commercial value of sports properties to rights holders and sporting bodies.

We do not feel that there is necessarily a need for regulation to deal with the current impasse between news organisations and sports bodies. However, we do recognise that the Government has a role to play, as in the dispute over access for the Sydney Olympics which was resolved after application of the commitments made by Australia in the General Agreement on Trade in Services (GATS). We would welcome industry guidelines and/or a code of practice which could be developed either in conjunction with the Australian Government or by a working group representing both sports bodies and news agencies. If these were signed up to by sports bodies and news organisations and adhered to in future, this would streamline the accreditation process, reduce the amount of time spent negotiating terms and provide transparency to the entire industry. Ultimately, it is in the



interest of all parties, sports bodies, news organisations and governments, to promote coverage of sport as widely and as independently as possible.

Any such guidelines or operating standards would, in our view, cover both the practical elements of applying for accreditation and the negotiation process, as well as setting ideal or minimum levels for specific issues which frequently arise in the accreditation discussions.

11. Sport Accreditation Issues:

The following lists sports events in Australia which have been accompanied by problematic terms and conditions of accreditation.

Where issues have been resolved, this has usually been achieved after open and amicable discussion. In other cases Reuters has agreed to cover the event in question after a show of good faith by both the organiser and Reuters on the understanding that discussions will continue.

CRICKET AUSTRALIA:

- Restrictions defining how newspaper websites can be updated.
- Desire to control the distribution of match day material, both to websites and non-sports magazines
- Rules which would prevent news content being distributed to mobile phone news services
- A refusal by CA negotiators to acknowledge in writing the importance of editorial freedom including critical comment
- Procedures which do not allow for fair remedy of suspected breaches.
- Limits on audiovisual usage.

FOOTBALL FEDERATION AUSTRALIA (Agreement to proceed with coverage in good faith pending full discussions)

- Broadcasters barred from using still photographs.

AUSTRALIAN FOOTBALL LEAGUE

- Agencies barred from taking photographs.

AUSTRALIAN OPEN TENNIS (Resolved):

- Restrictions on numbers of photographs filed per minute.

VICTORIA RACING CLUB (Resolved):

International registry information fits here, if necessary. Incassum, et praesent



THOMSON REUTERS

- Initial terms for the Melbourne Cup indicated that distribution of news content by news agencies (including for editorial use) would be subject to a fixed 15% royalty.
- Disclosure of subscriber lists required.

NRL

- Agencies not accredited except in the case of a major match.
- Use of photographs narrowly limited.
- Normal agency services apparently prohibited.