

Chapter 1

1.1 On 12 February 2009, the Senate referred the following matter to the committee for inquiry and report by 14 May 2009:

The reporting of sports news and the emergence of digital media, with particular reference to:

- (a) The balance of commercial and public interests in the reporting and broadcasting of sports news;
- (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 sports news reporting;
- (c) Whether and why sporting organisations want digital reporting of sports regulated, and what should be protected by such regulation;
- (d) The appropriate balance between sporting and media organisations' respective commercial interests in the issue;
- (e) The appropriate balance between regulation and commercial negotiation in ensuring that competing organisations get fair access to sporting events for reporting purposes;
- (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;
- (g) Should sporting organisations be able to apply frequency limitations to news reports in the digital media;
- (h) The current accreditation processes for journalists and media representatives at sporting events, and the use of accreditation for controlling reporting on events; and
- (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.

1.2 In accordance with its usual practice, the committee advertised details of the inquiry in *The Australian*. The committee also contacted a range of organisations and individuals, inviting submissions. The committee received submissions from 43 individuals and organisations, listed at Appendix 1. A list of tabled documents is also at Appendix 1.

1.3 The committee held four public hearings in Canberra on 15 April and 5 May 2009, Sydney on 16 April 2009 and Melbourne on 29 April 2009. Details of these public hearings are shown at Appendix 2.

The relationship between sport and the media

1.4 Sport and the media enjoy a mutually beneficial relationship. Access to sports and sporting events enables the media to provide a breadth of coverage to the public whilst simultaneously providing sport with publicity to a diverse audience.

1.5 It became apparent to the committee during the course of its inquiry that there is much common ground between sporting organisations and the media on this issue. Both sporting and media organisations believe there is a need for news coverage of sport and wish for sports news reporting to continue. News organisations detailed the benefits of news reporting to sports:

...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...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.¹

And:

Independent news coverage in all media builds excitement in sports, attracts new fans, elevates the status of sports in the public sphere, and lends enhanced credibility to the leagues and their events.²

1.6 Mr David Smith also highlighted the necessity of news reporting to the continued success of sport:

Without the oxygen of publicity you will stifle your sport. It is actually within the interests of the sport to cooperate with the media and to try to get as many media outlets as possible to get the message across that this is a viable sport and an interesting sport...³

1.7 Similarly, sporting organisations discussed the role of the media in the success of major sports:

The AFL recognises that its success as a sporting code in Australia is due, in part, to the substantial news media coverage it attracts. This media coverage assists the AFL in generating support and interest for the AFL Competition and promoting the sport of Australian football generally. Further, news media coverage of the AFL also assists commercial interests associated with the AFL Competition, such as AFL Clubs and sponsors.⁴

1.8 Tennis Australia held a similar view:

1 Thomson Reuters, *Submission 10*, p. 1.

2 The Associated Press, *Submission 2*, p. 10.

3 Mr David Smith, *Proof Committee Hansard*, 15 April 2009, p. 49.

4 Australian Football League, *Submission 26*, p. 5.

In what is a symbiotic relationship, Tennis fully supports the appropriate reporting of its events via news broadcasts, regardless of the media platform through which such news is disseminated. The dissemination of information through news and other reporting stimulates public interest in the sport, which in turn drives up the commercial value of the sport.⁵

1.9 Both media and sport organisations acknowledged the commercial benefits of reporting sports news. It is important to note, however, that the reporting of sports news also has elements of public interest. This public interest may include:

- Public health – health benefits derived by the public from exposure to sport via broadcasting and / or news reporting;
- Social inclusion benefits;
- Media freedom and the public's right to know – freedom of the media contributes to the dissemination of information, ideas and debate;⁶
- Funding – funds saved by media organisations or made by sport organisations and contributed to other activities with a public good (such as quality journalism in other areas or community-level sporting activities); and
- Economic benefits – the economic contributions made by the public, sporting rights holders and broadcasters, sporting organisations and media organisations.⁷

5 Tennis Australia, *Submission 32*, p. 2.

6 Melissa de Zwart, 'Seriously entertaining: The Panel and the future of fair dealing', *Media and Arts Law Review*, volume 8, number 1, pp 1-17.

7 Dr Kayt Davies, *Submission 1*, p. 2.