

**DISCUSSION DRAFT GUIDELINES FOR THE GRANT OF
MEDIA ACCREDITATION
AND
AUTHORISATION TO UNDERTAKE COMMERCIAL PHOTOGRAPHY
AT EVENTS CONDUCTED BY EQUESTRIAN VICTORIA**

Introduction

- 1 Equestrian Victoria ("EV") recognises the important role played by the media and their photographers ("Media Photographers") in promoting equestrian sports
- 2 EV is also supportive of the role that commercial photographers ("Commercial Photographers") play in supporting participants in equestrian sports.
- 3 EV seeks to provide support to Media Photographers at major events and seeks to assist both Media Photographers and Commercial Photographers by giving them privileged access to vantage positions
- 4 EV is concerned that it is necessary to regulate the accreditation of Media Photographers and the activities of persons engaged in photography and videography for commercial gain ("Commercial Photographers") at Events conducted by EV to ensure the safety of competitors, their horses and supporters, and the members of the public watching such events.
- 5 EV does not intend to attempt to judge or certify the quality of the work of an applicant for accreditation as either a Media Photographer or a Commercial Photographer, or by some subjective standard, attempt to assess whether their body of work qualifies them for accreditation. EV believes that a competitive market is the best method to achieve constant improvements in quality. Rather, EV will restrict accreditation to persons, genuinely engaged as a Media Photographer or genuinely engaged in business as a Commercial Photographer, who at all times complies with these guidelines.
- 6 EV does not by these guidelines seek to restrict the activities of EV members and their friends taking photographs for their private and domestic use and enjoyment.

These guidelines are intended to establish a regulatory regime for the conduct of the activities of both Media Photographers and Commercial Photographers at events conducted by EV ("EV Events").

Definitions

- 7 The **CEO of EV** includes a person nominated by him to act as the Media Officer of EV.
- a. No person shall act as a Media Officer if they work as or for a Media Photographer, Commercial Photographer or as a journalist; and
 - b. **Media Officer** shall be a person nominated in accordance with this Guideline
- 8 A **Commercial Photographer** is anyone, other than a person acting as a Media Photographer in relation to an EV Event, who is engaged in the business of selling photographs where such photographs are:
- a. taken or produced by them, or persons under their direction or control, whether as employees, sub-contractors or otherwise;
 - b. offered for sale and sold to individuals, groups, other businesses including media outlets, for a monetary fee or contra benefit by any means including but not limited to:
 - i. Personal or Business Website,
 - ii. Social Media sites including but not limited to Facebook, Twitter and Instagram,
 - iii. Direct Mail,
 - iv. Mail Order,
 - v. Trade Shows or any form of Trade Stand or trade presence at an EV Event,
 - vi. any other means of direct sale.
- 9 A **Media Photographer** is a person who is either employed or retained by a recognised media organisation to take, or cause or permit persons under their direction or control, whether as employees or otherwise, photographs for the use of the media organisation and not for private sale. Where a person acts, in relation to any EV Event, as both a Commercial Photographer and a Media Photographer, they shall be deemed under these Guidelines to be a Commercial Photographer in relation to that Event and require accreditation accordingly.
- 10 **Photographs** include either or both photographs and videography and **Photography** includes the task of producing either or both photographs and videography as the context requires.
- 11 A **Recognised Media Organisation** is any media organisation recognised by the CEO of EV and will include organisations:
- a. That publish print media including, but not limited to, Horse Deals, Equestrian Life Magazine, The Horse Magazine, the Herald and Weekly Times and other members of the News Corporation Group, members of the Fairfax Group, and members of the Bleacher group which publish print media publications including substantial editorial content;
 - b. That maintain digital publications supported by subscription or advertising and not comprising only a Blog or Social Media page;

- c. Free to Air radio and TV stations;
- d. Subscription broadcast and TV services including, but not limited to, Foxtel, Presto, Netflix and Stan;

but will not include Social Media sites, bloggers or personal or private company websites (unless they form part of the operations of a recognised media organisation).

Accreditation of Media Photographers

- 12 A person applying for accreditation as a media photographer for EV events must:
 - a. apply to the CEO of EV for accreditation as a Media Photographer, either for a nominated event or for a period of time not exceeding the balance of the period of 12 months from 30 June 2015 and each anniversary thereof, by completing and submitting the application form posted from time to time on the EV website;
 - b. supply a form of proof, reasonably acceptable to the CEO of EV, that
 - i. they hold an appointment or retainer by a Recognised Media Organisation as their photographer for EV events throughout the period for which accreditation is sought, which form of proof may be in the form of a letter on the letterhead of the media organisation signed by a person apparently authorised to do so;
 - ii. they are covered by a current Public Liability Insurance Policy covering themselves, their employees, contractors agents or any other person acting under their direction or control for a minimum of \$5 million;
 - iii. they hold a current Victorian “Working with Children Card” (“WWC”) for each person to be working at the event.
 - c. By completing and submitting the application form for accreditation as a Media Photographer, agree:
 - i. to be bound by these guidelines, including in particular the obligations set out under the heading “Obligations of any person granted accreditation as a Media Photographer or as a Commercial Photographer for an EV Event”; and
 - ii. to ensure that all photographs taken as a result of the grant of the Media Photographer’s Pass will be used strictly for the legitimate editorial purpose of the media organisation for which they are accredited and not for commercial sale and
 - iii. accept that any photographs offered for sale in breach of these Guidelines may be issued with a formal take-down notice and direction and in such an event the person shall immediately cease and desist from the sale of those photographs;

- 13 Non-accredited media outlets may apply to the CEO of EV for access to photographic and editorial content, which can be sourced and supplied from EV's own Media library pool and connections.

Accreditation of Commercial photographers

- 14 No person may engage in the business of a Commercial Photographer at an EV Event unless they have:
- a. first obtained accreditation as a Commercial Photographer from EV, that is valid for the period including that event,;
 - b. hold an ABN for engaging in the business of a Commercial Photographer, Photography or Photography services or a business with a like description;
 - c. Hold a valid Public Liability Insurance Policy covering themselves, their employees, contractors agents or any other person acting under their direction or control for a minimum of \$5 million;
 - d. Hold a current Victorian WWC for each person to be working at the event.
 - e. Demonstrate they have a genuine business as a Commercial Photographer by means satisfying the reasonable requirements of the CEO of EV, including, but not limited to, demonstrating that they have a genuine sales model that is user friendly for competitors and potential purchasers, such as an online shopping cart system, onsite sales presence, or mail order system, with EFTPOS, Direct Debit and Credit Card facilities available as payment options.
- 15 EV will publish on its website, an application form for accreditation as a Commercial Photographer for all or such part as remains of each 12 month period ending on 30 June each year.
- 16 A Commercial Photographer may apply for accreditation as a Commercial Photographer by completing and submitting the application form posted from time to time on the EV website accompanied by:
- a. A copy of a Certificate of Currency for Public Liability Insurance establishing that the applicant, their employees, contractors agents or any other person acting under their direction or control are insured for a minimum of \$5 million, which Certificate includes:
 - i. The trading name and business address of the applicant;
 - ii. A statement of the level of the cover included in the insurance policy, being cover that is not less than \$5 million;
 - iii. Identification that the activities included within the cover of the policy include Photographer, Photography or Photography services or a like description; and
 - iv. The ABN registered to the business for those activities.
 - b. A copy of a current WWC for each person to be working at the event under the direction or control of the applicant;

- c. An acknowledgment that they agree to be bound by these guidelines, including in particular the obligations set out under the heading “Obligations of any person granted accreditation as a Media Photographer or as a Commercial Photographer by EV ”
 - d. The fee stipulated from time to time on the EV website with the initial fee for the period ending 30 June 2016 fixed at \$200; and
 - e. Listing those EV events (or if they have not previously operated at an EV event, such other sporting events) at which they have operated as a commercial photographer within the preceding two years.
- 17 EV reserves the right to refuse an application for accreditation as a Commercial Photographer to a person where that person, or someone under their direction or control, has breached any of the Obligations in these Guidelines and including but not limited to, those obligations identified in paragraph 19 below in relation to a previous EV Event and has not satisfied the CEO of EV, to their reasonable satisfaction, that the breach will not recur.
- 18 Where an applicant wishes to appeal from such a refusal under this paragraph, the Appeal will be heard by a Committee of no less than 3 Directors of EV, not including a person who practices as a journalist or Media photographer or a Commercial Photographer, appointed for that purpose by the Board of EV.

Obligations of any person granted accreditation as a Media Photographer or as a Commercial Photographer by EV

- 19 Any person accredited as a Media Photographer or a Commercial Photographer to work as a photographer at EV Events during a period, must themselves, and must ensure that every person working under their direction or control, including photography students, whether as an employee or otherwise:
- a. At all times wear an EV approved and supplied Photographer’s Fluoro Vest or uniform;
 - b. Obey all directions of any event officials or officers or directors of EV, immediately and without argument or delay, including without limitation any direction by any event official or officers or directors of EV:
 - i. to move from a point that the directing person regards as potentially posing any form of risk to any person or horse; or
 - ii. limiting the number of photographers congregating at any point;
 - c. Stay within designated areas when at an arena or in the vicinity of a jump or other point during a competition;
 - d. Remain at all times at least **10 metres** from the perimeter of any outdoor Dressage Arena;

- e. **NEVER** under any circumstances whatsoever, use any form of flash or artificial lighting means of whatsoever kind in relation to any competition activity without prior, written permission first being obtained from the Event Co-ordinator, and then only in strict compliance with that permission.
- 20 Any person who acts in breach of these guidelines may be subject to sanctions including the right of the CEO of EV to refuse in future to grant such a person accreditation as a Media Photographer or as a Commercial Photographer for future EV events where the person has not satisfied the CEO of EV, to its reasonable satisfaction, that the breach will not recur.
 - 21 Where an applicant wishes to appeal from such a sanction, the Appeal will be heard by a Committee of no less than 3 Directors of EV, not including a person who practices as a journalist or commercial or media photographer, appointed for that purpose by the Board of EV.
 - 22 **Photography Students** wishing to attend an EV event to photograph it for their personal portfolio will need to work under the direction and control of either an accredited Media Photographer or an accredited Commercial Photographer on a **Work Experience Basis**, by obtaining from the CEO of EV accreditation as a Photography Student.
 - a. supply a form of proof, reasonably acceptable to the CEO of EV, that they will be working under the direction and control of either an accredited Media Photographer or an accredited Commercial Photographer on a **Work Experience Basis**
 - b. As students may not have any Public Liability Insurance on their own, they would need to come in under their schools Work Experience Umbrella policy and provide some evidence, including a letter from the School, to the reasonable satisfaction of the CEO of EV; and
 - c. Acknowledging that they will be bound by and at all times comply with these Guidelines and all obligations set out herein.

Rights of Accredited Persons

- 23 Persons granted accreditation as a:
 - a. **Media Photographer** will have the right to:
 - i. access to the event without payment of an entry fee;
 - ii. use such Media facilities as EV provides at an event, subject to any direction by the Media Officer designed to maintain a safe, and effective working environment at that facility;
 - iii. access to vantage points reserved for accredited Media Photographers or Commercial Photographers;
 - iv. attend any media briefings;
 - b. **Commercial Photographer** will have the right to:
 - i. Access the event without payment of an additional entry fee;

- ii. access to vantage points reserved for accredited Media Photographers or Commercial Photographers;
- iii. attend any media briefings;

Dated September 2015