

GUIDELINES FOR THE GRANT OF ACCREDITATION AS A MEDIA PHOTOGRAPHER 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 considers 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 the members of the public.
- 5 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. This does not include posting large numbers of images on social media and soliciting or accepting orders for their supply. Such conduct is considered to be that of a Commercial Photographer who requires accreditation.
- 6 Guidelines below will come into effect on 1 November 2019.

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. **A Media Officer** shall be a person nominated in accordance with these Guidelines.
- 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:

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- 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,
 - iv. Trade shows or any form of trade stand or trade presence at an EV Event, or
 - v. 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 permit persons under their direction or control, whether as employees or otherwise, to take 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 photographs, videography and any other form of electronic image produced, and **Photography** includes the task of producing photographs.
- 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 such as an Eventful Life and not comprising only a blog or social media page;
 - c. Including free to air 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 and Commercial 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, for each nominated event by completing and submitting the application form located on the EV website;
 - b. Supply a copy of a current Public Liability Insurance Policy covering all employees,

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contractors, agents or any other person acting under their direction or control for a minimum of \$5 million.

OR

Return a signed copy of the Release of Liability form with their application.

- c. Supply a current Victorian “Working with Children’s” card for each person attending the event.
- d. Supply a current police check for each person attending the event.
- e. Ensure that every person working under their direction or control, including photography students, whether as an employee or otherwise:
 - i. At all times wear a fluoro vest with the word “Media” displayed on the back and the supplied media pass.
 - ii. Obey all directions of any event officials or directors of Equestrian Victoria to move from a point that the directing person regards as potentially posing any form of risk
 - iii. Stay within designated areas during an event
 - iv. Remain at all times at least 10 metres from the perimeter of any outdoor dressage arena
- f. Hold an ABN for engaging in the business of a commercial photographer, photography or photography services or a business with a like description;
- g. Never under any circumstances use any form of flash or artificial lighting without written permission from the event director.
- h. Never transfer accreditation passes and be able to produce passes (which remain the property of Equestrian Victoria) when requested and return them upon request.
- i. Provide upon request all editorial channels, (subject to approval by Equestrian Victoria) in which it is proposed to publish applicable images, e.g. website, Facebook, Instagram
- j. Agree that by completing and submitting the application form for accreditation as a Media and Commercial Photographer, the photographer is
 - i. 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”;
 - 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
 - v. 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;

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- 13 Any person who acts in breach of these guidelines may be subject to sanctions including the right of the CEO of Equestrian Victoria to refuse future applications for accreditation as a Media Photographer or as a Commercial Photographer for future EV events
- 14 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.
- 15 Commercial photographers are requested to 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.
- 16 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.
- 17 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.
- 18 **Photography Students** wishing to attend an EV event to photograph personal portfolios 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

- 19 Persons granted accreditation as a:
 - a. **Media Photographer** will have the right to:
 - i. access to the event without payment of an entry fee;

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- 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;
 - i. Attend any media briefings.

Commercial Photographers who reasonably satisfy the CEO that, in relation to an Event they are also otherwise entitled to accreditation as a Media Photographer may also 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.