



## **MEMBER PROTECTION**

## **PHOTOGRAPHY POLICY**

**Adopted by NSW Netball Association Ltd Board Meeting on  
10<sup>th</sup> December 2014**

<i><b>Update</b></i>	<i><b>Comments</b></i>
14 December 2010	Version 1 adopted by the NNSW Board.
10 December 2014	Version 2 adopted by the NNSW Board.

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## **1. PURPOSE OF THIS POLICY**

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The Netball NSW Photography Policy forms one part of the Netball NSW Member Protection Policy (MPP), and as such, should be read in conjunction with the MPP. This Policy applies to Netball NSW and all affiliated Associations.

In Australia there is no law restricting photography or videography of people including children in public spaces as long as the images are NOT:

- Indecent (such as 'upskirt' or 'downblouse' photographs taken covertly in change rooms or toilets),
- Being used for voyeurism or made for the purpose of observing and visually recording a person's genital or anal region,
- Protected by a court order (e.g. child custody or witness protection),
- Defamatory, or
- Being for commercial purposes (person's likeness is used to endorse or entice people to buy a product).

This policy is designed to provide an understanding of issues surrounding the acquisition and display of images of registered members participating in netball activities throughout NSW. It also serves as an administrative reference in relation to the management of photography and videography by any person at Netball NSW and affiliated Associations functions, events and matches.

## 2. GENERAL POLICY

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- 2.1 The majority of Netball NSW affiliated Association venues are located on Local Government Council playing fields and parks open to the public. Neither Netball NSW nor any Association can stop anyone taking photographs or video images at these venues.
- 2.2 Images of children can be used inappropriately or illegally. Images of a child (including your own child) if photographed in a provocative and sexual manner can contravene Criminal Codes and censorship laws. Netball NSW requires every person and organisation bound by this Policy, wherever possible, to obtain permission from a child's parent/guardian before taking an image of a child that is not their own. They should also make sure the parent / guardian understands how the image will be used.
- 2.3 Netball NSW requires the privacy of others to be respected and prohibits the use of camera phones, videos and cameras inside changing areas, showers and toilets.
- 2.4 Netball NSW and Associations will only use appropriate images of a child, relevant to netball and depicting the child suitably clothed in a manner that promotes participation in netball. Wherever possible, Netball NSW will seek permission from a child's parent / guardian before using the image.
- 2.5 When using a photo of a child Netball NSW or its affiliated Associations will not name or identify the child or display personal information such as residential address, email address or telephone numbers without gaining consent from the parent/guardian.
- 2.6 Netball NSW or Associations will not display information about a child's hobbies, likes/dislikes, school etc. as this information has the potential to be used by paedophiles or other persons to groom a child.
- 2.7 Photography and video footage is usually only required at Netball NSW and Associations sanctioned events and matches for three purposes:
- Player/Umpire training and development
  - Netball NSW and Association promotion and publicity
  - Participants and family use
- 2.8 Indoor venues such as sport centres may already have particular photography/video restrictions or guidelines in place which an Association, as a user of the centre, is required to follow.

### **3. NETBALL NSW RECOMMENDED GUIDELINES**

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So that financial members are aware that photography and videography will in all probability occur at events including matches played at Associations it is recommended that members sign an acknowledgement on their membership application attesting to the fact that they are aware that images are likely to be taken and that such images may be used for Netball NSW and Association purposes.

Except for situations described in 3.1 where competitions are held on public land (Local Government Council grounds) individuals are able to photograph or video matches and individuals whether participating or not.

#### **3.1 *Exceptions to Freedom to Photograph***

There are specific instances in law where the taking of any image is banned. Such instances generally relate to child custody matters, wards of the state, restraining orders and witness protection. It is also possible that from time to time other circumstances may also preclude the taking of any image of an individual.

Where such orders are in place it is the responsibility of the parent or guardian or individual to notify Netball NSW or the relevant Association including where appropriate the provision of a confidential copy of the order. In such cases Netball NSW or the relevant Association will use its best endeavours to prevent the taking of such images.

#### **3.2 *Photography for Publication or Commercial Use***

Where a photographer / videographer has been contracted by Netball NSW or an Association or event to acquire images of individuals or teams for the purpose of selling images to participants or interested persons, the contractor is required to be suitably identified and provide the appropriate certificate issued by the Commission for Children and Young People.

Where a contractor has been engaged Netball NSW or the relevant Association has the obligation to advise the contractor of any limitations as prescribed by a court order or law.

#### **3.3 *Photography for Private Use***

There are no restrictions on parents, guardians and/or family members taking photos or video footage of their children participating in netball games provided the images are for personal use and do not encroach on the limitations as described in 3.1.

Equally there are no restrictions on officials (including coaches, umpires and administrators) taking images for coaching purposes, umpire development or general publicity provided 3.1 is observed.

#### **3.4 *Inappropriate Photography***

Where an individual is believed to be inappropriately photographing any financial member, Netball NSW or the relevant Association can ask the individual to stop. If the individual refuses, the police may be called to deal with the matter.

The information in this publication (Photography Policy) is of a general nature only and it is neither intended to be relied upon as, nor to be a substitute for, specific professional advice. No responsibility can be accepted where an individual or group or by any person acting on behalf of any individual or group does not comply with the general policy or intent of the policy or any material in this publication (Photography Policy).

#### 4. SAMPLE – Application For Exemption To Photograph/Video/Film A Financial Member

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[Name of Parent/Guardian/Financial Member] advises that a current court order is in place in respect of [Name of Protected Person]. The court order provides that in the interests of safety and well-being of the protected person that anonymity is required. As such it is requested that no images by way of still photography, video or film be taken and published.

I advise that all members of my team and club officials have been advised of the above matter and have agreed to comply.

**Signed:**

\_\_\_\_\_  
(Parent/Guardian/Financial Member)

**Print Name:**

\_\_\_\_\_  
(Club Contact)

**Date:**

\_\_\_\_\_

The application is approved. No images are to be taken of the protected person.

Reason application is approved:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Team Name:**

**Grade / Division:**

\_\_\_\_\_

**Signed:**

\_\_\_\_\_  
(Netball NSW/Association Official)

**Print Name:**

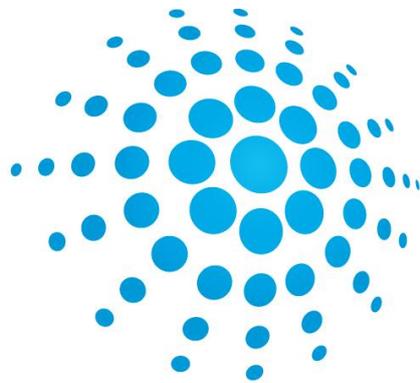
\_\_\_\_\_  
(Official)

**Date:**

\_\_\_\_\_

<p><b>[Netball NSW/Association Name]</b> <b>Office Use</b> Date added to non-consent list:</p>
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**Fact Sheet**

Photographic / Filming Consent  
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