



# **Netball NSW**

## Photography Policy

**Adopted by New South Wales Netball Association Ltd at its Board Meeting held on 5 December 2022**

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## 1. Introduction

This Policy addresses the acquisition and display of images of registered Members, including Children and Young People, 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 Affiliate Netball Activities.

Most people taking images at sporting events are doing so for acceptable reasons and are using appropriate methods, for example, a parent videoing their child at a sports presentation, grandparents photographing their grandchild on the field during play or a professional photographer taking photos for a club. This may also include Participants and administrators taking images for coaching purposes, umpire development or general publicity.

This Policy sets out Netball NSW's position in relation to the capturing of images and recordings of both Adults and Children at all Netball Activities. This Policy also provides some guidance for Affiliates around handling situations where Members do not wish to be (or cannot be) photographed.

## 2 Definitions

**Affiliate** means a Premier League Licensee, a Netball Association, or a Netball Club, howsoever described, whether incorporated, unincorporated, a company limited by guarantee, or otherwise, which is a member of Netball NSW.

**Child (Young Person)** means a person under 18 years of age.

**Individual Member (Member)** means a natural person who is a registered financial member of Netball NSW or an Affiliate.

**Member Protection Policy (MPP)** means the Netball NSW Member Protection Policy as amended from time to time.

**Netball** means the sport or game played under the World Netball Rules of Netball as adopted or amended from time to time by Netball NSW or an Affiliate.

**Netball Activity** means Netball competitions, matches, training and/or events organised, controlled or sanctioned by Netball NSW and/or its Affiliates.

**Netball NSW** means the New South Wales Netball Association Limited.

**Participant** means a person who participates, including but not only as official, coaches, players or umpires, parents, guardians and spectators in a Netball Activity.

**Policy** means this Netball NSW Photography Policy.

**Procedures** means the Attachment B to the Netball NSW Member Protection Policy – Complaint Handling Procedures.

**Vulnerable Person** means an adult (over the age of 18) who may be unable to take care of themselves or who may be vulnerable to harm or exploitation by reason of age, illness, trauma or disability, or any other reason.

## 3. Scope of this Policy

### 3.1 This Policy applies to:

- a. Netball NSW and its Members;
- b. Affiliates and their Members;
- c. Individuals sitting on boards, committees and sub-committees of Netball NSW and/or its Affiliates;
- d. All employees, volunteers, independent contractors and other workplace participants of Netball NSW or an Affiliate;
- e. Any other person or organisation that is an Individual member of or affiliated with Netball NSW;
- f. Any person who is a Participant in a Netball Activity;
- g. Parents, guardians, spectators and sponsors and any other person or organisation to the fullest extent possible; and
- h. Any other person who has agreed to be bound by this Policy.

3.2 This Policy applies:

- a. At any Netball NSW or Affiliate Netball Activity;
- b. During paid or voluntary activities, including dealing with members, media, sponsors, other support employees, volunteers, independent contractors and other participants in Netball in NSW;
- c. During all netball related activities including games, training events and camps;
- d. At all times when providing services on behalf of Netball NSW or an Affiliate; and
- e. At all times when acting in any capacity, whether voluntary or paid on behalf of Netball NSW or an Affiliate.

3.3 Acting in a manner that is inconsistent with this Policy may constitute a breach of the MPP and should be dealt with in accordance with the MPP and the Complaint Handling Procedures set out in Attachment B.

#### **4 Position Statement: Capturing images/recordings of Children/Young People/Vulnerable Persons**

4.1 In Australia, generally speaking, 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),
- 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).

Photos of a Child (including your own Child) may also contravene criminal laws and censorship laws if the Child is photographed in a provocative or sexual manner.

4.2 Despite this legal position, wherever possible, Netball NSW requires every person and organisation bound by this Policy 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. Ideally, Affiliates should include 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/or Affiliate purposes.

**Note: If a photographer or videographer is in any doubt about whether a Participant is a Child/Young Person or Vulnerable Person, the photographer/videographer should seek permission before capturing any images or footage.**

4.3 If a Parent/Guardian or a Child themselves requests that the Child is not photographed or recorded, Netball NSW and its Affiliates require all persons bound by this Policy to respect this request.

- 4.4 Where a sporting event is held on a club's private property, privately owned land, a school or council owned facilities, the owner of private property or venue is able to restrict, ban or require permission for photography anywhere in their venue. There is nothing, however, to prevent a person from photographing outside the property boundary unless it is for indecent purposes.

If a person is taking photographs inappropriately, for example, in breach of any restrictions in place for the private property or venue, the person should be requested to stop and if that person refuses, the police or security may be called to escort them off the property.

- 4.5 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. If any person believes that someone is taking photographs that are indecent or in areas like toilets/changerooms they should contact the police.

## **5 Position Statement: Capturing images/recordings of Adults**

- 5.1 Per Clause 4.1 above, there is no law preventing photography or recording of adults in public places unless the images/footage captured is indecent as set out in Clause 4.1.
- 5.2 Where a Member does not wish to be photographed or recorded, Netball NSW and its Affiliates require all persons bound by this Policy to respect this request.
- 5.3 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. If any person believes that someone is taking photographs that are indecent or in areas like toilets/changerooms they should contact the police.
- 5.4 Per Clause 4.4 above, owners of private property may place restrictions on photography or videography within their private premises and may take action to ensure compliance with any such restrictions.

**In the event that a Member (or a Parent/Guardian in the case of a Member who is a Child or Young Person or Vulnerable Person) does not wish their image to be captured and/or published for any reason, the Member (or Parent/Guardian) must notify Netball NSW or the Affiliate of this request. Appendix A should be used for this purpose. In such cases Netball NSW and/or the Affiliate will use its best endeavors to comply with this request**

## **6 Displaying Images**

- 6.1 Netball NSW and Affiliates will not publish personal information about any Member in connection with an image or video such as residential address, email address or telephone numbers without gaining consent from the Member (or a parent/guardian in the case of a Member that is a Child or Young Person).
- 6.2 Should any Member (or a parent/guardian in the case of a Member that is a Child or Young Person) wish that their name not be published in any digital or print media, Netball NSW and Affiliates will take all reasonable steps to respect this request.

- 6.3 Netball NSW and Affiliates will not publicly provide or publish to any person or organisation information about a Child or Young Person's hobbies, interests, school etc.
- 6.4 Netball NSW and Affiliates will only use appropriate images or video footage of a Member, relevant to Netball and depicting the Member suitably clothed in a manner that promotes participation in Netball.
- 6.5 Wherever possible, Netball NSW will seek permission from a Child/Young Person's parent/guardian before using an image or video footage.

## **7 Netball NSW Events**

- 7.1 Netball NSW is responsible for a number of Netball Activities. For Netball Activities organised and run by Netball NSW, the following conditions apply:
- (a) All photographers/videographers must be officially accredited (by completing Appendix B) together with such other persons as may be reasonably requested by Netball NSW.
  - (b) Accreditation will be granted on the terms and conditions set out in the accreditation form.
  - (c) Must abide by any relevant competition/event specific rules in relation to photography, video recording, and/or the use of images. These competition rules can be found on the Netball NSW website.
- 7.2 Affiliates are encouraged to adopt the foregoing procedures for their own events.

## **8 Further Information**

Further information may also be obtained from the following websites:

Play By the Rules Taking Images of Children at Sporting Events

<https://www.playbytherules.net.au/got-an-issue/child-safe-sport/taking-images-of-children>

Australian Government Australian Sports Commission Acquiring and Displaying Images of Children

<http://aofc.com.au/juniorfiles/2015%20Acquiring%20Displaying%20Images%20Of%20Children%20V2.pdf>

## Appendix A - Request not to Photograph/Record a Member

[Name of Parent/Guardian/ Member] request that no images by way of still photography or recording be taken or published of [Name of Protected Person].

Reason for request:

- Not Disclosed
- General Request
- Court Mandated/Court Order
- Other (please specify):

**Signed:**

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

**Print Name:**

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

**Date:**

\_\_\_\_\_

**Team Name:**

**Grade / Division:**

\_\_\_\_\_

**Acknowledged by:**

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

**Signed:**

**Date:**

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

## Appendix B - Netball NSW – Photography/Videography Accreditation

Netball NSW/ [Affiliate] will issue a Photography/Videographer Accreditation Pass (**Accreditation**) based on the following terms and conditions:

1. Images/Footage taken during the accredited event are only to be used for editorial or Club/Affiliate purposes only, not for commercial purposes unless prior written permission is provided by Netball NSW/ [Affiliate].
2. The Accreditation pass is the property of Netball NSW/ [Affiliate] and as such, Netball NSW/ [Affiliate] retains the right at its sole discretion to suspend or revoke accreditations at any time.
3. All accredited photographers/videographers must clearly display their valid accreditation pass at all times, as supplied by Netball NSW/ [Affiliate] while in a venue where a Netball Activity is occurring.
4. Access is only permitted during the dates requested by the individual.
5. Photographers/Videographers must position themselves in appropriate safe areas courtside for the duration of match-play.
6. Any images/footage taken during the accredited event must not be provided to other media, agencies, sponsors or similar (other than those the photographer/videographer is accredited for) without the prior consent of Netball NSW/ [Affiliate].
7. The Accreditation Pass is not transferable, unless otherwise stated.
8. Accreditation Pass holders must comply will all reasonable requests from Netball NSW/ [Affiliate] Staff and the Netball NSW/ [Affiliate] Media Team.
9. If approached by the public and/or questioned, please direct the persons to Netball NSW/ [Affiliate] staff to handle the enquiry immediately.
10. At certain Netball Activities, Netball NSW/ [Affiliate] may have a list of teams which must not be photographed under any circumstances. It is essential that all photographers/videographers adhere to any such direction.
11. All attendees at Netball NSW/ [Affiliate] Netball Activities using long-lens or professional photographic equipment must fill-in an accreditation form and wear a lanyard/media vest as appropriate.

|                   |         |
|-------------------|---------|
| Name:             |         |
| Association/Club: |         |
| Date of Birth:    |         |
| Email:            | Mobile: |

|                               |
|-------------------------------|
| Home address:                 |
| Media outlet (if applicable): |

I understand and agree to abide by the terms and conditions of accreditation as outlined above

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date:

**Please return your complete form to [Event Control/ Clubhouse etc.] at the venue, where you will be given an accreditation lanyard/vest, which must be worn and visible while on site.**