

# IMAGES OF CHILDREN

*This information has been issued by the Australian Sports Commission as a general guide for sport.*

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Most people taking photos of children 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 or photographing their child on the field during play or a professional photographer taking photos for a club.

The small size of many cameras and the advent of mobile phone cameras make it easier to take photos and harder to monitor. Digital photo publication can now be printed at home and photos can be taken, altered, and transmitted quickly to a vast audience by posting on the internet or 'on sending' the photo to mobile phone users.

This greater ease of taking and modifying images has raised concerns about the potential risks of child abuse posed directly and indirectly to children and young people through the inappropriate use of photographs featured on sports web sites and in publications.

The following information and suggested strategies have been provided for sporting clubs and associations to consider when acquiring and displaying images of children and young people on web sites and in other publications. It is not intended to restrict people taking photos for legitimate reasons.

Please note that this information is not intended to be, nor should it be relied upon as a substitute for legal or other professional advice. Organisations and individuals should seek legal advice in relation to these issues in your state or territory.

## **The Law**

In Australia, generally speaking, there is no law restricting photography of people (including children) in public spaces as long as the images are not:

- indecent (such as 'up skirt' 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 (eg. child custody or witness protection)
- defamatory
- 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) also contravene Criminal Codes and censorship laws if the child is photographed in a provocative or sexual manner.

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 of photography anywhere in their venue (e.g. some council owned facilities will not allow mobile phones or cameras in change rooms or toilets). Where a sporting event is held on private property not owned by the organisers, it is good practice to determine a mutually agreed photographing policy.

If a person is taking photographs inappropriately (e.g. breaching the restrictions or ban in place for that private property or venue), then venue management can request the person to stop. If the person refuses, the police or security may be called to escort them off the property.

### **Strategies - acquiring Images**

- Clearly outline and publicise what is considered appropriate behaviour in obtaining images and what is considered appropriate image content.
- Do not allow photographers (professional photographers, spectators, fans, coaches or members of the media) unsupervised access to children.
- Ensure the coach informs any athlete and parent(s) if the coach wants to video the athlete as a tool to analyse and improve performance.
- Obtain the consent of parent /guardian and their agreement to be present before approving photo/video sessions outside the event venue or at the home of a child. Where possible, have the photo taken at the event venue.
- Provide details of who to contact within the club or organisation if concerns or complaints of inappropriate behaviour in taking images or content are raised. Ensure that the contact person understands the application of relevant legislation and policies.
- Provide members of the media and professional photographers with an identification pass to be worn for the duration of major/large events.

### **Strategies - displaying images**

- Consider using models or illustrations for promotional / advertising purposes.
- Obtain permission from the child's parent/guardian prior to taking the images of a child or young person. Ensure that all concerned are aware of the way in which the image is to be used and how long the image will be displayed.
- If an image is used avoid naming the child. If this is not possible avoid using both a first name and surname.
- Avoid displaying personal information such as residential address, email address or telephone numbers if images are being posted on websites or distributed in publications.
- Do not display information about hobbies, likes/dislikes, school, etc as this information has the potential to be used as grooming tools by paedophiles or other persons.
- Only use appropriate images of the child, relevant to the sport or activity, and ensure that the athlete/child is suitably clothed. Images of athletes participating in sports or activities that involve minimal clothing (e.g. swimming and gymnastics) or unusual body positions/poses could potentially be misused.
- Reduce the ability for direct copying of pictures from a website to another source (i.e. disable the 'right mouse click' function).
- Clearly outline in a written contract to photographers who are contracted or paid to take photos, who will retain the images taken, include arrangements made for negatives, digital file and proofs and outline any restrictions for use and sale.
- Provide details of who to contact and what to do if concerns or complaints of inappropriate image use are raised.

*This publication is intended as a general guide and is not to be taken as professional advice. The Australian Sports Commission recommends you seek professional advice if a specific situation arises involving harassment or discrimination.*