
WATER POLO QUEENSLAND VIDEO & PHOTOGRAPHY POLICY

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REVIEW HISTORY

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1. INTRODUCTION

Most people taking photos or video 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
- a parent 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 introduction 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 social media sites or 'on sending' the photo to other mobile phone users.

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

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 'down blouse' 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
- 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 should request the person to stop. If the person refuses, the police or security may be called to escort them off the property. If anyone has reasonable concerns that a person (adult or child) is taking photographs that are indecent or in areas like toilets/changerooms should contact the police.

Source: Play by the Rules - Taking images or video of children at sporting events

2. DEFINITIONS & PRINCIPLES

2.1 Definitions

- 2.1.1. A participant means a person who is currently registered as a competitor in Queensland Water Polo Inc. (QWPI) sanctioned events;
- 2.1.2. An attendee means a person who enters onto a QWPI venue and/or is present at a QWPI sanctioned event.
- 2.1.3. An Authorised Person includes individuals or organisations (e.g. production company) who have written approval or been engaged by QWPI or its members for the purpose of capturing images or videos. A club, association or individual must register as an authorised person with QWPI on an annual basis for the period 1st September – 31st August each year. Each club or association may only appoint a maximum of 4 authorised persons at any one time. Registration must be received a minimum of 5 business days prior to an event or competition round.
- 2.1.4. A mobile device is defined as a mobile phone or tablet (e.g. iPhone or iPad).
- 2.1.5. An Official Platform is defined as a Website, Facebook page, Instagram account or any other online video or image sharing platform.
- 2.1.6. A Blue Card is defined as a current Queensland Working with Children Check.

2.2. General Principles

- 2.2.1. The use of photographic and video equipment, including mobile phones equipped with such features, and the publication of images is permitted at QWPI events and venues, subject to the terms and conditions of this Policy.
- 2.2.2. Images captured or published of persons in connection with QWPI sanctioned events or venues must not be offensive or indecent according to accepted standards of the community. For example, it must not be an image that depicts the person:
 - a) in a sexual context, in an offensive or demeaning context, or subject to abuse, cruelty or torture;
 - b) engaging in a private act, such as showering, changing and using the toilet; or
 - c) in a state of undress, where the person is naked, exposing his or her genital or anal region, baring breasts, wearing only underwear, or exposing underwear which is not adequately covered by an outer garment.
- 2.2.3. Photographic and video equipment must not be used in designated areas. In particular private areas including:
 - a) Change rooms, toilets and showers; and

- b) Any other area where one may expect to be afforded privacy.
- 2.2.4. Further restrictions on images provide:
- a) Underwater images of minors are prohibited
- 2.2.5. The participants and attendees hereby irrevocably consent to QWPI and its members to:
- a) Inspect any property, including mobile phones, photographic and video equipment, of persons at its events or venues where the person is suspected of capturing or publishing images in contravention of this Policy.
 - b) Compel compliance with the Policy.
 - c) Remove and exclude persons from its events and venues who have breached or are suspected of breaching this Policy.
 - d) Use reasonable force to remove offending persons from the premises, or confiscate and destroy property where there is actual or suspected non-compliance with the Policy. This may require the use of police force.
 - e) Photograph and publish the image of persons excluded from events and venues for the purpose of ensuring their exclusion and the safety of its participants and attendees. QWPI has the right to provide such information to the proper authorities.
- 2.2.6. Each of the participants and attendees hereby indemnify and hold harmless QWPI, against all actual or potential actions, suits, claims (including claims sounding only in damages) and demands that he or she has or may have in relation to QWPI, its employees, members, agents and representatives, whether in contract, tort (including negligence), statute or otherwise. This includes, but is not limited to:
- a) Acts or omissions in the enforcement of this Policy;
 - b) Any loss or damage to personal property, including mobile phones, cameras and video cameras; and
 - c) Any injury, loss or damage incurred by a participant or attendee.

3. PHOTOGRAPHY GUIDELINES

3.1. Photography for Private Use

- 3.1.1. There are no restrictions on parents, guardians and/or family members taking photos or video footage of their children participating in QWPI sanctioned competition games using a mobile device from the designated spectator area (e.g. grandstand) provided the images are for personal use and do not encroach on the limitations as described in section 2.2.
- 3.1.2. Equally there are no restrictions on officials (including coaches, referees and administrators) taking images for coaching purposes, referee development using a mobile device provided section 2.2 is observed.
- 3.1.3. Should a parent, guardian and/or family member wish to capture photos using a digital camera or SLR they are subject to section 3.2 and must be appointed as an authorised person by QWPI or a club or association.

3.2. Photography for Publication or Commercial Use

- 3.2.1. An authorised person who has been engaged by QWPI or a club or association to acquire images of individuals or teams for the purpose of selling images to participants or interested persons, is permitted to capture images from the pool deck providing they do not encroach on the limitations as described in section 2.2.
- 3.2.2. QWPI or a club or association have the obligation to advise the authorised person of any limitations as prescribed by a court order or law.
- 3.2.3. Information obtained by authorised persons
 - a) Must only be published on the official platforms as defined in 2.1.5 of the authorised person or club or association that has engaged them unless they have prior permission from another club or association to use their platforms.
 - b) Must never be published on any other platform without prior permission of QWPI or the club or association
- 3.2.4. Authorised persons are personally responsible for the information published on any platform by either themselves or their assistants. When in doubt, authorised persons should seek guidance from QWPI on how to comply with their obligations.
- 3.2.5. Authorised persons must immediately report the following to QWPI:
 - a) Information that has been stolen, lost, hacked, or leaked
 - b) Capture of information by people other than authorised persons
 - c) Inappropriate information on any platform relating to any agency
 - d) Any activity or content on any platform relating to any agency that may be in breach of this policy.

3.2.6. Authorised persons:

- a) Must not publish, post or respond to material that is offensive, obscene, defamatory, threatening, harassing, bullying, discriminatory, hateful, racist, sexist, infringes copyright, constitutes a contempt of court, breaches a Court suppression order or is otherwise unlawful
- b) Must not publish or post player, coach, referee, or third party personal and private information.
- c) Must not use or disclose any confidential or secure information.
- d) Must not make any comment or post any material that might otherwise cause damage to the reputation of QWPI or any club or association, or bring them into disrepute.
- e) Must understand that personal content published on social media that is not in line with the policies of QWPI, and WPAL may result in disciplinary action.

3.2.7. Authorised persons must have a current blue card as defined in 2.1.6:

- a) Where the authorised person is an organisation (e.g. photography company) the persons undertaking or supervising the capture and/or publishing of information must have a current blue card.
- b) Blue cards must be kept on person while information is being captured and must be presented immediately at the request of any QWPI official together with personal identification sufficient to confirm that the blue card belongs to that person.

4. VIDEO GUIDELINES

- 4.1. The only reasons for which an authorised person may capture and/or publish video from an event are:
 - a) Live broadcasting of events (pre-approval is required from QWPI or Member)
 - b) Promote the sport on behalf of their agency
 - c) Provide coaching and development resources relating to the sport generally
 - d) Development of specific players, teams, coaches, referees and officials. This information must be restricted to platforms accessible only by persons to which the activity is relevant.
- 4.2. Authorised persons engaged by a club or association may only capture and/or publish information from events in which that club or association that has engaged them is a participant.
- 4.3. Information captured in relation to the development of specific players, teams, coaches, referees and officials must only be published on platforms accessible by persons immediately relevant to the specific development activity.
- 4.4. Authorised persons attached to one club or association may be engaged to capture and/or publish information on behalf of any other club or association.
- 4.5. Authorised persons must not capture and/or publish information if the club or association that has engaged them is not a participant in the event. This can be waived if they have prior written permission from all clubs or associations participating in the event that they wish to capture.

For example, if Club A is playing a game against Club B then an authorised person engaged by Club C must not capture information from the game unless they have prior permission from both Club A and Club B.
- 4.6. Authorised persons may use assistants to capture and/or publish information; however, the authorised person is solely responsible for the supervision of the assistants and their compliance with this policy.
- 4.7. Information captured by authorised persons is the property of the club or association that engaged the authorised persons.
- 4.8. There is no obligation for a club or association to share information with any other club or association however information captured by authorised persons must be disclosed to QWPI upon request for the purpose of compliance with this policy.
- 4.9. Information obtained by authorised persons
 - a) Must only be published on the official platforms of the club or association that has engaged them unless they have prior permission from another club or association to use their platforms.
 - b) Must never be published on any other platform without prior permission of QWPI or the club or association

- 4.10. Authorised persons are personally responsible for the information published on any platform by either themselves or their assistants. When in doubt, authorised persons should seek guidance from QWPI on how to comply with their obligations.
- 4.11. Authorised persons must immediately report the following to QWPI:
- a) Information that has been stolen, lost, hacked, or leaked
 - b) Capture of information by people other than authorised persons
 - c) Inappropriate information on any platform relating to any agency
 - d) Any activity or content on any platform relating to any agency that may be in breach of this policy.
- 4.12. Authorised persons:
- a) Must not publish, post or respond to material that is offensive, obscene, defamatory, threatening, harassing, bullying, discriminatory, hateful, racist, sexist, infringes copyright, constitutes a contempt of court, breaches a Court suppression order or is otherwise unlawful
 - b) Must not publish or post player, coach, referee, or third party personal and private information.
 - c) Must not use or disclose any confidential or secure information.
 - d) Must not make any comment or post any material that might otherwise cause damage to the reputation of QWPI or any club or association, or bring them into disrepute.
 - e) Must understand that personal content published on social media that is not in line with the policies of QWPI, and WPAL may result in disciplinary action.
- 4.13. Authorised persons must have a current blue card as defined in 2.1.6:
- a) Where the authorised person is an organisation (e.g. production company) the persons undertaking or supervising the capture and/or publishing of information must have a current blue card.
 - b) Blue cards must be kept on person while information is being captured and must be presented immediately at the request of any QWPI official together with personal identification sufficient to confirm that the blue card belongs to that person.

5. COMPLIANCE

5.1 Breach of Policy

- 5.1.1. When a breach of this policy is being investigated, or has found to have actually occurred QWPI may at its discretion suspend or revoke authorised person privileges from authorised persons or from a club or association
- 5.1.2. Further disciplinary action may also occur against authorised persons, their assistants, or the club or association to which they are attached or engaged.