

HILLS BASKETBALL ASSOCIATION INC. **PHOTOGRAPHY AND VIDEOGRAPHY POLICY**

In Australia, there are no laws specifically prohibiting photographing and filming people (including children) in public places. Hills Basketball Association (HBA) recognizes that there are many legitimate reasons why photography and filming at sports is very common and does not wish to unnecessarily restrict or curb the creation of content.

The laws around governing the taking of photograph(s) and filming exist to safeguard the privacy and safety of people (including children) from exploitation and inappropriate use of their image without placing undue restrictions on legitimate activities. It is unlawful for photograph(s) and film to be taken that is:

- Indecent; defamatory; used to cyber bully; used for commercial purposes without the consent of the subject; being used for voyeurism; protected by a court order; in a provocative or sexual manner
- containing private conversations (audio) without knowledge or consent
- filming around any places of an inappropriate nature (such as changerooms, toilets etc.)

HBA **recommends** that should photos/videos be shared on social media; the person should select a closed group. Please note that anyone who posts any content on any public or private platform are subject to normal civil and criminal laws in terms of defamation, intimidation, harassment, pornographic content, etc.

1.1 Exceptions to Freedom of Photography and Videography

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 HBA including where appropriate the provision of a confidential copy of the order. In such cases HBA will use its best endeavors to prevent the taking of such images.

1.1(a) Prohibition of Live Streaming

Following the previous point '1.1 Exceptions to Freedom of Photography and Videography Policy' Live Streaming is prohibited in all HBA venues unless consent has been granted prior by HBA management.

1.2 Photography for Publication or Commercial Use

Where a photographer/videographer has been contracted by HBA 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 for working with children check. Where a contractor has been engaged HBA has the obligation to advise the contractor of any limitations as prescribed by a court order or law.

1.3 Media Organisations and Accreditation

HBA approves media accreditation from news organisations, websites and social media companies that have been approved with an up-to-date Working With Children's Check (WWCC) and reference from their organisation. These organisations have been approved by HBA and have a right to take video and photography at sanctioned events, competitions and programs.

Accredited media are listed on the HBA website to provide staff and individuals with a verified list of media to allow to film or photograph games. They are required to wear their HBA Media Accreditations at all times while present within venues and have to wear a high visibility vest in order to film or take photography on the baseline at HBA events.

1.4 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 basketball games provided the images are for personal use and do not encroach on the limitations as described in 1.1. Equally there are no restrictions on officials (including coaches, referees and administrators) taking images for coaching purposes, referee development or general publicity provided 1.1 is observed.

1.5 Tripod Usage

Spectators are not permitted to use tripods or other equipment that may impede on other spectator's view and use of space unless in venue grandstands.

1.6 Inappropriate Photography

Where an individual is believed to be inappropriately photographing, HBA will ask the individual to stop. If the individual refuses, the police may be called to deal with the matter.

Under Basketball NSW Tribunal By-Laws and Member Protection By-Laws, behaviour which is unacceptable can be brought to a Tribunal, even if it didn't occur on the basketball court. As long as the incident is basketball related, the Tribunal can deal with it.

If you have any concerns or complaints of inappropriate behavior in taking images or content, please email steve@hillshornets.com.au

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).

