

MWBA BASKETBALL ASSOCIATION INC.

PHOTOGRAPHY AND VIDEOGRAPHY POLICY

In Australia, there are no laws specifically prohibiting photographing and filming people (including children) in public places. Manly Basketball Association (MWBA) 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 change rooms, toilets etc.)

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

1.2(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 **MWBA** venues unless consent has been granted prior by **MWBA** management.



1.3 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 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.

1.4 Tripod Usage

Spectators are not permitted to use tripods if it impedes on other spectator's view and use of space unless in venue grandstands.

1.5 Inappropriate Photography

Where an individual is believed to be inappropriately photographing, MWBA 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 behaviour in taking images or content please email janet.bilton@manlybasketball.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).

