

Destiny Incorporated.

Guidelines for photographing children (Attachment 2)

Most people taking photos of children are doing so for acceptable reasons and are using appropriate methods, for example, a parent videoing their child or photographing their child or a professional photographer taking photos.

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 web sites and in publications.

The following information and suggested strategies have been provided to consider when acquiring and displaying images of children and young people on web sites and in other publications is appropriate. 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.

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 an event is held on 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 an 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 unsupervised access to children.
- Obtain the consent of parent/guardian and their agreement to be present before approving photo/video sessions or at the home of a child.
- Provide details of who to contact 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.

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 that involve minimal clothing 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.