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Memo

To: All Clubs
Date: 13/07/2007
Subject: 07-022 – Videotaping and Photography of Matches

We have received a number of requests concerning the photographing or videotaping of football matches which children are participating in. A number of questions were put to the Commission for Children and Young People and Child Guardian and their answers are summarised below.

1. Under section 210(1)(f) of the Queensland Criminal Code, it is an offence if a person without legitimate reason takes any indecent photograph or records, by means of any device, an indecent visual image of a child under 16 years of age. The Code does not apply to photos which do not represent an indecent image, which means photos taken of school sporting events or of children and young people participating in normal social activities does not fall within its provisions.
2. It is not illegal in most instances for parents to take photographs of or video their child participating in sporting events which, by their nature, involve more than just their child eg. football matches. Many people assume parental consent must be obtained when photographing children, yet in general, children are not afforded unique legislative protection when it comes to photographs, consent, privacy, defamation etc. A signed release is required for photographs being used in a commercial sense, but not for non-commercial images.
3. When you enter private property, it is on the understanding that you consent to any requirements the property owner may impose upon you. Therefore, if the owner of the sporting ground prohibits photography or video, these guidelines must be abided by. This also applies if a sporting club has a Risk Management Strategy in place that prohibits photography or video.
4. It is against the law to publish information which could identify children or young people in the context of intervention by the Department of Child Safety. For this reason, parents at sporting events should aim to take photographs of their children only, and avoid focus on other children. It is also inadvisable, although not illegal, to name and otherwise identify children online, where images can be downloaded and used for unintended purposes. It is strongly recommended not to publish any photos or videos of a child's sporting events online.

This information is the most current available although the Australian Law Reform Commission are currently reviewing Australia's privacy laws and are calling for submissions on issues such as this one. Should you require further information on this matter, please do not hesitate to contact me.

Regards

B Dinsdale

Bruce Dinsdale
General Manager