



## **Australian Weightlifting Federation Limited**

### **POLICY 3**

### **PHOTOGRAPHY**

***This Policy is made by the Australian Weightlifting Federation Limited (AWF) Board under Clause 20 of the AWF Constitution. It is binding on AWF and all members of AWF.***

***Approved by the AWF Board on 12th June, 2014***



## 1. OVERVIEW

This policy outlines the legal status of photography and videography, the circumstances under which photography may be restricted or not permitted, and provides guidelines for AWF members when carrying out their duties. This policy is to be read in conjunction with the AWF Member Protection Policy.

## 2. AWF'S ROLE

AWF seeks to:

- conduct, encourage, promote, advance, control and manage all levels of Weightlifting in Australia interdependently with members and others;
- adopt, formulate, issue, interpret and amend By-laws, Policies, rules and regulations for the control and conduct of Weightlifting in Australia; and
- maintain and enhance standards, quality and reputation of Weightlifting for the collective and mutual benefit and interests of members and Weightlifting.

AWF considers that in order to meet these objects a policy is required regarding the clarification of the legal issues surrounding photography of persons at sanctioned events conducted by AWF, its state members and affiliated clubs.

AWF therefore considers it has an interest in articulating this policy for the following reasons:

- the growth of photographic and digital technology;
- protection of AWF members, particularly minors;
- protection of AWF official and accredited photographers;
- clarifying the status of amateur and professional photographers in public places for AWF members; and
- providing general information for spectators and members of the public.

## 3. PHOTOGRAPHY IN PUBLIC PLACES

### 3.1 The law



In Australia there is generally no law restricting photography of people (including minors) in public spaces as long as the images are not considered as:

- indecent (such as “up skirt” or “downblouse” photographs taken covertly in change rooms, toilets or other invasions of privacy);
- being used for voyeurism or made for the purpose of observing and visually recording the other person’s genital or anal region;
- protected by a court order (e.g. child custody or witness protection);
- defamatory; or
- for commercial purposes (person’s likeness is used to entice people to buy or it appears they are endorsing a product). This may require a Model Release/ Consent Form to be signed – see Appendix A. Consensual photos of a minor (including one’s own child) also contravene criminal laws and censorship laws if the child is photographed in a provocative or sexual manner.

Where an event is held on private property or privately owned land, a school or council owned facilities (but not, for example, a council road or park), the owners of private property or venues are able to restrict or ban photography (e.g. some council owned facilities will not allow mobile phones or cameras in change rooms or toilets).

There is nothing, however, to prevent a person from photographing outside the property boundary unless it is taken for indecent or improper purposes, as listed above.

### **3.2 Guidelines for AWF members**

It can be difficult to distinguish between photographs taken for an innocuous purpose, and photography which might be considered by the subject(s) ‘unwarranted or obtrusive’.

Photographs or videos of people in a public place may be taken without permission for a variety of innocuous reasons such as parents taking photographs of their children in a group. Although some may consider photography or videos of themselves or others as ‘unwarranted or obtrusive’ there is no generally recognised right to privacy in these situations.

If you do not wish to be photographed or videoed, you should approach the photographer and politely make it clear that you do not wish to be photographed.



AWF members are not entitled or empowered to confiscate, or attempt to confiscate a person's camera.

If an AWF member is aware or is made aware of any person who appears to be taking photographs or video of competitors or members (especially minors), which might be considered 'unwarranted or obtrusive', that member should approach the person to enquire what they are doing and why they are taking the photographs or film of AWF members or competitors. Remember that it is not illegal to take photographs in a public place, nor is consent required and AWF members should at all times behave courteously.

If the AWF member has reason to believe that a photographer is taking inappropriate images (see 3.1 above) he or she should seek to notify police or other relevant security. Members should record the incident and take reasonable steps to remember and record a description of the person's appearance, attire, and car registration if applicable.

Under Part A, section 7.1 of the AWF Member Protection Policy, the AWF requires that individuals and associations, wherever possible, obtain permission from a child's parent/guardian before taking an image of a child that is not their own and ensure that the parent knows the way the image will be used. AWF also require the privacy of others to be respected and disallow the use of camera phones, videos and cameras inside changing areas, showers and toilets.

AWF and its Members must only use appropriate images of a child, relevant to our sport and ensure that the child is suitably clothed in a manner that promotes the sport, displays its successes.

#### **4. PHOTOGRAPHY AT OFFICIAL AWF SPORTS EVENTS**

AWF is responsible for a number of major events including national championships and international events. AWF state members and affiliated clubs should adopt the following procedures for their own events. Photographers should check with the relevant event organisers to determine what (if any) policies are in place in these situations. This should be done by approaching a member of the organising committee prior to or during an event.

##### **4.1 Official accreditation to AC sports events**

From time to time, AWF or the event organising committee will appoint an official photographer to provide photographic services at AWF events. All other photographers seeking access to AWF events must be officially accredited. This requires the submission of a media accreditation form (see sample at Appendix



C), available on request in advance of each event. This accreditation may require the photographer to provide proof of any relevant 'working with children' accreditation applicable in that particular state.

Accreditation is granted on the express condition that any photograph/ film/ imagery taken of competitors during or in connection with any of these events may only be used for editorial and non-advertising purposes. Any commercial reproduction of photographs (including selling of images or forwarding to external organisations) must receive prior written approval by AWF. The accreditation passes are non-transferable.

An accreditation fee may apply, and, if so, shall be paid prior to the issue of the accreditation. Only AWF accredited photographers are allowed onto any AWF areas at any AWF event. Any other photographers may be asked to leave. Non accredited photographers are able to take photographs from all publicly accessible areas.

See Appendix C for sample accreditation form for AWF events – State members and affiliated clubs may have their own accreditation form and interested photographers are advised to check with the relevant organisation.

## **5. PROTECTION OF AWF IMAGERY**

### **5.1 Use of images of AWF members for promotional purposes**

From time to time, AWF, its state members or affiliated clubs carry out photography of AWF members for promotional purposes. In some instances it is not practical to obtain consent in all situations (e.g. major events), in which case either a disclaimer [see Appendix B] should be displayed in prominent positions around the site or the disclaimer should be part of the event entry criteria.

### **5.2 Copyright of photographic images**

The moment a photograph is taken it is automatically protected by copyright. For photographs, unless there is an agreement to the contrary, the general rule is that the photographer is the first owner of copyright. There are a number of exceptions to this general rule, including:

- Photographs taken in the course of employment; or
- Commissioned photographs.

For more information on ownership of copyright, contact your legal adviser.

### 5.3 Displaying images of children

From time to time, AWF, its state members and affiliated clubs seek to promote AWF activities in print and online media. The Australian Sports Commission has produced guidelines in these instances – see [http://www.ausport.gov.au/ethics/information\\_sheets/IS\\_acquiring\\_images.asp](http://www.ausport.gov.au/ethics/information_sheets/IS_acquiring_images.asp).

The ASC advises that if an organisation is acquiring an image of a minor for display:

- Consider using models or illustrations for promotional / advertising purposes.
- Obtain permission from the minor's parent/guardian prior to taking the images of a minor.
- 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 minor. If this is not possible avoid using both a first name and surname.
- Do not display 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 likes/dislikes, hobbies, school, etc as this information has the potential to give information to paedophiles or other persons.
- Only use appropriate images of the minor, relevant to the sport or activity, and ensure that the athlete/minor is suitably clothed. Images of athletes participating in sports or activities 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 contractual obligations with photographers in writing including: who will retain the images, what will happen to the 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.



## 6. CONCLUSION

This policy is provided in the interest of balancing the needs of legitimate photographers with the wellbeing of AWF members. The AWF recognise the rapid advances in digital photographic and internet technology and will therefore continue to review this policy.



**ANNEXURE A SAMPLE RELEASE FORM  
CONSENT AND RELEASE**

I hereby irrevocably grant to Australian Weightlifting Federation Limited (AWF), its state members and clubs, all rights in and to the photographs, images, videotape and sound recording made of me ("Image") on

..... 201..... .

The rights granted to AWF include the perpetual, exclusive and unencumbered right to use, edit, reproduce, distribute, telecast, publish and otherwise exhibit the 'Image' worldwide, including excerpts, in any and all forms of media.

In addition, the rights granted to AWF include the right to use the 'Image' or any portion thereof, my name, voice, likeness and biographical material to publicise and advertise the 'Image' and/or the services of AWF.

I hereby release and indemnify AWF and hold AWF harmless from and against:

(a) any liability based on any personal, property, residual, re-use or other right which I have or may have by virtue of any such use of my name, voice, likeness, biographical material or related clips in which I appear, or as a result of the exhibition, telecast or distribution of the Appearance or any portion thereof;

(b) any claim arising out of any of my acts or statements made in connection with the 'Image'(including but not limited to defamation, invasion of privacy, and the like); and

(c) any claim for further consideration or compensation for the 'Image' or the rights granted hereunder.

I have the full right and legal capacity to sign this Consent and Release. I have read this Consent and Release prior to signing it and I understand its contents.

Date: .....Signature:.....

Producer: ..... Name of

Interviewee:.....

(Please Print)

AWF

Project:.....

(If this Consent and Release is signed by a minor, the following must be completed by a parent or legal guardian)

I warrant that I am a parent (or legal guardian) of the minor whose signature appears immediately above, and I hereby agree that I and the said minor will be bound by all releases, consents and covenants contained in this Consent and Release.

Date: .....Signature:.....

Name: .....



## **ANNEXURE B SAMPLE DISCLOSURE FORM**

This disclaimer is a basic template. Details should be amended to take into account the individual circumstances at each event.

### **IMPORTANT NOTICE** **Information about photography during the [event]**

#### *Access of photographers to competition areas*

- Only official [AWF entity] photographers and officially accredited media photographers will be admitted on to the competition arenas. Official accreditation is denoted by [insert description of accreditation e.g. blue wristbands].
- In the interests of event management and safety, club photographers and members of the public are only permitted to take photos from all publicly accessible areas.
- Competitors, officials or spectators who become concerned about the behaviour of nonaccredited photographers are asked to contact [insert relevant contact details].

#### *Use of images by [AWF entity]*

- Competitors are advised that during the course of this event they may be photographed or filmed by official [AWF entity] photographers or by officially accredited media.
- It is a condition of entry to the championships that competitors consent to the use of any photos or film containing their image, by media outlets, and/or by [AWF entity] and/or by related parties in pursuit of [AWF entity's] objectives.
- Competitors who do not consent to this use, must inform the official [AWF entity] photographers or officially accredited media.
- For further information on AWF's commitment to the protection of personal information, see the AWF Privacy By-Law at [www.awf.org.au](http://www.awf.org.au).



ANNEXURE C SAMPLE ACCREDITATION FORM – FOR EVENTS  
MEDIA ACCREDITATION

Name: .....

Representing:.....

Media

Organisation:.....

Position: .....

Editor/administrator:.....

Address:.....

Country: .....

Internet-site: .....

Telephone:.....

Fax: .....Email: .....

Mobile: .....

National Press Card No: ..... & or

AIPS: .....

Passport No: ..... Issued

at: .....

Please indicate which days accreditation is applied for:

- Day 1
- Day 2
- Day 3
- Day 4
- Day 5
- Day 6

Applicant's Signature: .....

Date: .....

In applying for accreditation for the event, I certify that any photographic images taken are for the purpose of reproduction in the above newspaper and in other newspapers subscribing to its syndications service. Images sold to readers will be sold on the basis that they are marked for personal consumption only and are not to be re-used commercially. Photographic images taken at the event will not be sold for commercial use without the express permission of this organisation.

Director's Name: .....

Date: .....

**(please include stamp of organisation if applicable)** In signing this application I certify that the above person is a professional working journalist/ broadcaster/ photographer whose work will be used only for the purposes specified.

Director's Signature:

.....

Please do not sign this Accreditation Form if the above person is not a professional



Working journalist/broadcaster/photographer working for your organisation.