

ACQUIRING & DISPLAYING IMAGES POLICY

Introduction

Most people taking photographs and other images at sporting events are doing so for acceptable reasons and are using appropriate methods. For example, family members photographing or videoing other family members or a professional photographer capturing images for a club or reputable media outlet.

Many photographs are taken in public places will include subjects including children who have not consented to their photographs being taken. Images are frequently taken by security cameras without knowledge or permission.

The issue of photography and other imagery recording has become contentious in more recent times because of advances in technology which allows the capturing of images in digital format and the reproduction of those images without the intervention of third parties such as a printing laboratory.

The small size of many cameras and the convergence of digital cameras and mobile phones make it easier to take photographs and more difficult to monitor. Digital photographs can be printed at home and images can be altered and transmitted quickly to a vast audience by posting the image on the internet or sending the image to mobile phone users. The ease of taking and modifying images has raised concerns about potential risk of child abuse posed directly and indirectly through the inappropriate use of photographs and images on sporting websites and in publications.

The problem has been exacerbated with unauthorized display of images on the internet. The issue was first highlighted in 2002 when a number of unauthorized photographs of children were posted on voyeuristic websites. In February 2002, the media reported the discovery of a website containing photographs of teenage Melbourne boys taken without consent. The website featured pictures of male students involved in a variety of sporting activities such as rowing and football.

In April 2002 concerns were again raised when photographs featuring a 16 year old male surf life saver were discovered on a sports fetish website. The photographs had been taken without consent.

Other conduct raising concern has included inappropriate use of otherwise innocuous images on the internet. Examples include the use of images of children which were not otherwise contentious but were placed with links to inappropriate websites.

Despite the best intentions of sporting organisations, children's images can end up being misused. This policy is intended to reduce the risk of images of Pony Club Victoria (PCV) members (particularly children) being used for inappropriate purposes and to provide a procedure that will ensure PCV events and other activities protect the health, safety and welfare of children.

Definitions

"Inappropriate behaviour" means images which are considered:

- Indecent photographs taken covertly in change rooms, toilets or other invasions of privacy;
- Being used for voyeurism or made for the purpose of observing or visually recording the other person's genital or anal region;
- Contrary to a Court order (eg. child custody or witness protection);
- Defamatory;
- Being for commercial purposes (person's likeness used to entice people to buy or it appears they are endorsing a product);
- Consensual photos of a child (including you own child) also contravene criminal law and censorship laws if a child is photographed in a provocative or sexual manner;

"Photography" means any still or moving image taken by a camera, mobile phone, video, DVD recorder or any other medium used to take still or moving pictures.

The Legal Position

The legal position is relatively clear. There is no law restricting photography of people including children in public places as long as the images:

- Are not considered as indecent.
- Are not being used for voyeurism or made for the purpose of observing and visually recording the other person's genital or anal region.
- The person is not protected by a Court Order (for example, child custody or witness protection).
- Are not intended for commercial purposes such as the person's likeness is to be used to entice people to buy or it appears they are endorsing a product.
- Do not depict a child in a provocative or sexual manner.

Where a Pony Club event is held on a club's private property, privately owned land, a school or on Council owned facilities, the owners or occupiers of the property are able to restrict or ban photography. For example, in the context of Pony Club, photography within the event grounds or Club grounds if on Council or Private property may be restricted by the Association.

Statement of Principal

PCV is committed to providing the highest levels of membership service. This includes protecting member's privacy, promoting positive behaviours and attitudes and protecting the health, safety and wellbeing of members. By introducing a policy and procedure regarding the acquiring and displaying of images of children, this policy reiterates this commitment to our members.

Scope of the Policy

This policy applies to participants, spectators, officials, coaches, selectors, judges/stewards and staff at all PCV events and activities including competitions, training and coaching sessions, education events, meetings and seminars.

Acquiring Images

Notification and consent

PCV will advise all participants in competitions and other events conducted by the Association that their photograph may be taken during such events and may be used by PCV on its website, social media or in publications. This notice will be printed permanently on the website and on material promoting the events of the Association as well as the Association's registration form.

If an individual does not want their image taken at an Association event they should indicate this in writing to the Association prior to entering or participating in an event.

All participants on teams including PCV representative teams and their parents must be notified if a coach wants to video the participants as a tool to analyse and improve performance.

In the event that a photography or video session is to occur outside of a competition event, the event venue, a representative team performance, usual training venue, the express consent of the parent or guardian and their agreement to be present, or represented by a person nominated by them, must be obtained before the photography or video session occurs.

Parents and Spectators

PCV has no objection to parents/relatives taking photographs of children participating in Pony Club activity provided all images are appropriate.

Parents should take images primarily of their own children, unless they have the express approval of parents of other children. In a team or events, other children will be incidentally photographed and this will be regarded as reasonable.

Parents who suspect that other spectators are taking images focused on their children, or taking images of other children that is other than incidental, may report the incident to a committee member or official.

For the purposes of this clause, the taking of such images is considered inappropriate behavior and shall be dealt with in accordance with Part 7.

Unsupervised Access

No photographer including but not limited to professional photographers, spectators, fans, coaches or members of the media, shall have unsupervised or individual access to children. PCV engaged photographers will have a WWC check, and strongly suggests this be implemented at Zone and Club level.

Displaying Images

Personal information with photograph

PCV will not publish a person's full name, or personal information such as their residential address, email address or telephone numbers with photographs unless prior permission has been sought and given.

No information about hobbies, likes/dislikes and the school shall be posted with a child's photograph as this information has the potential to be used as grooming tools by pedophiles and other persons.

Photographs taken by PCV Engaged Photographers at events

PCV may take photographs at PCV events for use on its website, social media and in other publications. Riders who do not want to have their image used in these forums will need to specifically request this from the event organiser, Club or State.

Diversity

PCV will endeavour to ensure the photos published on the PCV website and in printed publications reflect the diversity of the organization and its membership.

Health and Wellbeing

PCV is concerned with the health and well-being of its members, and as such should exclude images that may be deemed offensive or unflattering. Furthermore, PCV will not publish imagery which suggests the use of tobacco, alcohol and prohibited drugs. In selecting photographs for use in PCV publications and on its website, PCV shall not intentionally expose any person to ridicule or contempt.

Duplication of images

PCV where possible will endeavour to reduce the ability to duplicate images of children used on its website.

Reporting Procedure

It is PCV's policy that parents and spectators are permitted to take photographs at Pony Club events/activities provided all shots are appropriate as defined in this policy (see definitions at Parts 5.2 and 14).

The Event Organisers/Club Committee members should be alerted to anyone taking inappropriate images or in any way acting suspiciously and the PCV Executive Officer should be alerted as soon as possible.

The representative of PCV will approach the suspicious photographer and ask for the following information:

- Name which is to be verified by inspecting the driver's licence;
- Whether the individual is a parent or family friend of a participant, and who that participant is;
- Which club the participant(s) being photographed is representing.

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The responsible member of PCV should advise the person that a complaint has been made regarding the photographs being taken. The representative should subsequently provide the person with an opportunity to verbally respond to the claim.

If the representative is not satisfied with the response provided they may ask the person to refrain from taking photographs or the representative may ask the person to leave the venue. The representative's decision is final.

An incident report should be completed by the representative to record any reports of inappropriate photography whether acted upon by them or not. The report should be provided to the PCV State Office as soon as practicable following the event.

Authorised Photographer

To become an authorised photographer at a PCV event, the photographer must prior to the event apply to PCV for authorisation to take photographs. The Association may require references and evidence of past work. The Association will require completion of a prohibited employment declaration and a commitment to comply with PCV policies.

An event authorised photographer should dress appropriately, follow instructions from the event manager and wear identification provided by PCV. Failure to observe the requirements of the Association may result in revocation of an authorization.

Concerns or Complaints

If a parent, guardian or other person has a complaint with respect to the acquiring or displaying of images of children by PCV or any of its affiliate members and the complaint would not fall within "Reporting Procedure" of this policy, the complaint may be lodged with the Grievance Officer grievance@ponyclubvic.org.au.

Policy Breaches

It is a breach of this policy for any person or organisation to which this policy applies, to have been found to have done anything contrary to the policy. All people that breach this policy will be subject to PCV disciplinary procedures.

Policy Promotion

This policy will be made available to all members via the Pony Club Victoria website www.ponyclubvic.org.au. This policy will be communicated to all board members, sub-committees and clubs.

Review

This policy will be reviewed by the PCV State Council annually at the November State Council Meeting.

Additions or Amendments

In addition to the annual review of this policy, recommended changes to the policy may be submitted to the PCV State Council for consideration at any time. In the event that the changes are accepted, the policy will be updated, dated and circulated to all relevant persons and organisations.

Policy Version Table

<i>VERSION</i>	<i>Version No.</i>	<i>Version Date</i>
Implementation version	VFEB2004	FEB 2004