Photographing Children - guidelines

Following on from a 2008 State Managers Meeting below is some information provided by the legal team at the AFL in regards to the use of photographs of children;

The general rule in Australia is that there is no right to privacy. Therefore anyone can be photographed in any situation, as long as the person taking the photo is not in breach of any other law, for example trespass (you cannot go into someone's backyard to take a photo of them, but you can take a photo of someone in their yard from a public street).

Football matches are generally played in public places, therefore anyone can attend to watch and take photos. You cannot prevent them from doing this.

The photos can be used for private non-commercial purposes. When it comes to commercial purposes the lines start to blur. For example, at the development managers meeting, someone asked about producing calendars of kids playing netball and football. Once again photos taken of people in public places can be used for this purpose. However, if the person in the photo says their image has commercial value and that is being used to drive sales, the person may have a claim against the person selling the calendars – Garry Honey (Olympic Long Jumper) was successful in a claim against McDonalds for this reason.

Therefore the following message should be relayed to the States and Local Leagues –
1. if someone is using photos for commercial reasons they should use their best endeavours to gain the approval of the people in the photos;
2. all clubs should keep a look out for anyone taking photos of kids at or around matches and make subtle enquiries if someone appears suspicious
    ➢ the person may just be a father or grand parent so make enquiries with club personnel first to see if they are known
    ➢ as the old terrorist ad says – be alert but not alarmed

In regards to using photographs of children from football games on League and Club websites for promotion or to show results/highlights from previous matches etc. this is also fine.