

## **Surveillance Devices Act 2016 (SA) - responsibility of coaches and officials**

### **Legal position:**

Under the SA Surveillance Devices Act 2016, recordings of private conversations are only lawful if all parties to the conversation agree (and in other limited circumstances that ordinarily would not apply to coaching of skating).

### **Agreement from Adults:**

Where all participants are adults, it may be sufficient evidence to record the verbal consent of each person at the beginning of the conversation and expand on any limitations to its future use.

- Sometimes it may be necessary to record that statements can only be used in the full context of the conversation, or may not be published, or shared.

### **When a minor is involved:**

The complication that may occur in our sport is that many participants are under the age of 18 and legally are not able to consent to any recording, whether or not they are willing participants and/or the device is in plain view.

### **Involvement of a third party:**

A further complication arises if the recording is made as a record, or is intended for further publication or sharing with third parties.

### **What to do:**

1. For the above reasons, it is important that you receive prior written consent from the parent or guardian of the minor that recording devices may be used from time to time, stating the purpose and that it may necessitate sharing of the recording with a third party for coaching purposes.
2. That consent needs to be stated as ongoing unless withdrawn (or will lapse when the minor turns 18).
3. You need to retain that written consent for the duration of your engagement by that person as a coach.
4. The penalties under the Act for breaches are severe and include imprisonment and/or heavy fines.