



unitcare
services
PEACE OF MIND FOR UNIT OWNERS
Fact Sheet

In this fact Sheet we look at recording private conversations or activities in strata & community titled groups. The availability of wireless video cameras has made it very easy to record about your unit. Do so at your peril.

The unauthorised surveillance of fellow residents at Strata and Community Titled groups can now result in a \$15,000 fine and jail time.

The Surveillance Devices Act came into force in South Australia on December 18th 2017. It specifically refers to video or camera surveillance under Optical Surveillance Devices. The Legal Services Commission website states...

It is an offence to knowingly install, use or maintain an optical surveillance device to visually record or observe private activity without the consent of each party to the activity. This applies even where the device is installed on premises of which the person has lawful possession or control and includes vehicles.

An optical surveillance device is defined broadly to mean a device capable of being used to observe or make a visual recording of people, places or activities and includes both still and moving pictures.

Personal media players and mobile phones are included in this definition.

Maximum penalty: \$15,000 or 3 years imprisonment (in the case of a natural person) or \$75,000 (in the case of a body corporate).

There are additional offences where the installation or use of the device involves entry onto or into premises or a vehicle or interference with premises, a vehicle or any other thing without consent.

The new Act is welcome and was used in a recent case before the Magistrates Court. One owner in a small group had installed many cameras on their property. The cameras faced the common driveway and other units.

We understand that the cameras had a wireless feed to not only the owner but also a relative.

This behaviour along with other nuisance behaviour has raised tensions at the group to a level that has required the Court to appoint an Administrator and order the immediate removal of the cameras.

The availability of cheap cameras and wireless technology has the potential to see a breakdown in the goodwill that is essential to residents peace of mind at home.

We welcome the Government's legislation.

Best Practice:

- 1st: Read the Legal Services Commission advice
- 2nd: Advise your adjacent fellow unit owners before you install the cameras. You need to assure them of your intentions.
- 3rd: Ensure your cameras only look over your unit and its yards.

See our website

www.unitcare.com.au/fact_sheets.html

for links to the Legal Services document and the full Surveillance Devices Act.



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