

As CCTV becomes a standard feature in modern strata communities, questions arise around legal compliance, resident rights, and the proper governance framework needed to ensure security doesn't come at the cost of privacy. Whether you're a strata manager, committee member or lot owner, understanding the legal landscape is essential.

BY-LAW REQUIREMENTS: YOU CAN'T INSTALL WITHOUT THE RIGHT APPROVAL

For an Owners Corporation to install CCTV on common property, a special resolution at a general meeting is typically required, especially if the installation constitutes an alteration or addition to common property under Section 108 of the *Strata Schemes Management Act 2015*.

To streamline compliance and prevent disputes, it is strongly advised that Owners Corporations adopt a specific CCTV By-Law. This by-law should cover:

- Purpose of CCTV (e.g. security, compliance with by-laws)
- Locations of cameras and privacy safeguards
- Data access and retention policies
- Processes for responding to footage requests
- Obligations for signage and notification.

For lot owners, installing a camera that affects common property (e.g. mounted externally) will also require Owners Corporation approval, often needing a special resolution and the creation of a common property rights by-law.



WHO CAN VIEW OR REQUEST CCTV FOOTAGE?

Footage collected on common property remains under the control of the Owners Corporation. The following access rules apply:

- Any person can request access, but the Owners Corporation has discretion to approve or deny based on the purpose of the request, privacy implications, or whether it involves a potential legal matter.
- Access may be mandated under Section 182 of the Strata Schemes Management Act, which includes a right to inspect records—footage may be considered a “record” but only if it is currently held.
- If a third-party provider hosts the footage, access depends on the Corporation's contractual control over that data.

Critically, there is no legal obligation to retain footage for seven years. The Tribunal has ruled in *Benoit De Tarle v The Owners Corporation Strata Plan 576* that standard footage retention policies (e.g. 30–60 days) are acceptable unless a legal requirement dictates otherwise.



WHAT CAN BE LEGALLY RECORDED?

CCTV must be installed and used within the boundaries of privacy and surveillance laws, including:

- Surveillance Devices Act 2007 (NSW): Prohibits audio recordings without consent and restricts camera use where there's an expectation of privacy, such as inside homes or bathrooms.
- Privacy Act 1988 (Cth): If the scheme outsources CCTV to a service provider, the handling of footage must comply with the Australian Privacy Principles (APPs).

Importantly, CCTV should not record inside private lots, and camera views should avoid capturing sensitive areas like gyms, pools, or change rooms unless necessary and appropriately justified.

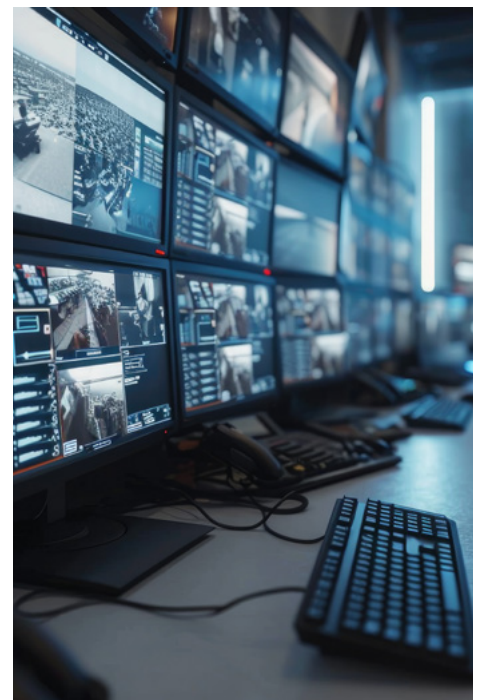


COMPLYING WITH POLICE REQUESTS FOR CCTV ACCESS

When law enforcement agencies request access to CCTV footage, Owners Corporations must follow legal and procedural standards:

- CCTV should not be released casually or on-demand. Generally, police must provide a valid reason or documentation — such as an incident report number, formal request, or a warrant — before footage is shared.
- It's good practice for Owners Corporations to request:
 - The name and badge number of the attending officer
 - A written request specifying the footage needed (time/date/location)
 - An incident reference number or police report to support the request.
- This ensures the Corporation acts lawfully and avoids breaching residents' privacy rights or mishandling evidence.

While urgent cooperation is often necessary in active investigations, a clear policy on police interaction should be outlined in the CCTV by-law and include escalation protocols for legal review or committee consultation where appropriate.



FINAL THOUGHTS: BALANCING SAFETY AND PRIVACY

CCTV in strata schemes, when implemented correctly, enhances safety, reduces liability, and supports by-law enforcement. However, poor implementation or lack of transparency can expose an Owners Corporation to legal challenges, including claims of nuisance or invasion of privacy.

To get it right:

1. Adopt a detailed CCTV By-Law
2. Install with proper authority
3. Respect privacy boundaries
4. Limit footage access
5. Cooperate with law enforcement carefully
6. Clearly signpost surveillance zones.

With the right legal advice and community consultation, surveillance can coexist with privacy in strata environments.

