

Surveillance, Peepholes & Smart Tech: Privacy Laws

Smart doorbells, Ring cameras, and digital peepholes have fast become standard home security upgrades for modern apartment living.

However, when a device mounted to an apartment door continuously records the shared hallway, captures a neighbour's entry, or records private corridor conversations, what feels like personal security to one resident quickly becomes an immediate breach of privacy to another.

For Strata Committees and Strata Managers, these popular gadgets are sparking complex resident disputes. Navigating the boundary between an owner's desire for safety, the rules governing common property modifications, and strict state surveillance legislation requires a clear, proactive legal framework.

The Legal Trilemma: Common Property, Privacy & the Law

When a resident installs a smart camera outside their front door, the conflict falls across three legal intersections:

1. Common Property & Model By-Law Deficiencies

Most standard model by-laws such as legacy rules covering 'Damage to Common Property' or minor cosmetic changes were never drafted to address digital recording devices.

- Mounting a device to an entrance door frame or outer wall involves fixing equipment to common property.

- Standard model by-laws lack clear boundaries regarding field of view, continuous recording, or audio capture over shared spaces.

2. The *Surveillance Devices Act 2007* (NSW)

Under Section 8 of the *Surveillance Devices Act 2007* (NSW), it is generally an offence to knowingly install or use an optical surveillance device on property without the express or implied consent of the owner or occupier if it captures private activity.

Furthermore, capturing audio of private conversations in common hallways without the consent of all parties involved can trigger severe statutory penalties.

3. Nuisance & Unreasonable Interference

Under **Section 153 of the *Strata Schemes Management Act 2015* (NSW)**, an owner or occupier must not use or enjoy their lot, or common property, in a manner that causes a nuisance or unreasonable interference with another resident. A camera pointed directly at a neighbor's front door or living area often constitutes a legal nuisance under NCAT precedent.

Why Standard Schemes Are at Risk

Relying on informal agreements or generic model by-laws leaves Owners Corporations vulnerable:

- **Unregulated Fields of View:** Cameras capturing neighbour doorways, interior lot views when doors open, or shared lifts.
- **Audio Recording Exposure:** Uncontrolled continuous audio capture exposing residents and the scheme to

Surveillance Devices Act breaches.

- **NCAT Disputes:** Without a tailored by-law, committees lack a direct enforcement mechanism to compel the immediate removal or repositioning of intrusive devices, leading to costly tribunal proceedings.

The Solution: A Tailored ‘Smart Security & Surveillance Devices’ By-Law

Rather than banning security tech outright or dealing with escalated resident complaints after a camera is installed, proactive committees adopt a specialised, scheme-wide framework.

A bespoke ‘**Smart Security & Surveillance Devices By-Law**’ provides a clear approval pathway while setting enforceable operational conditions:

Key Element	What the By-Law Enforces
Strict Approval Protocols	Mandates written approval from the owners corporation prior to fixing any optical or audio recording device to common property thresholds.
Field-of-View Boundaries	Limits the camera’s angle strictly to the immediate entry threshold, explicitly prohibiting coverage of neighboring doors or windows.
Audio Restrictions	Requires audio recording functions to be permanently disabled to maintain compliance with NSW surveillance legislation.

Key Element	What the By-Law Enforces
Data Management & Privacy	Restricts how recorded footage can be stored, shared, or published online (e.g., prohibiting social media posting of corridor footage).
Removal & Indemnity	Assigns ongoing maintenance obligations to the lot owner and grants the owners corporation explicit powers to require device removal upon breach.

Protect Your Scheme Today

Don't wait for a hallway surveillance conflict to escalate into a formal NCAT dispute or privacy breach. Establishing clear, legally sound parameters protects your committee, upholds resident privacy, and keeps your scheme compliant with NSW law.

- Drafting custom '**Smart Security & Surveillance Devices By-Laws**' tailored specifically to your building layout and entry systems.
- Reviewing **existing scheme by-laws** and advising committees on pending camera approval applications.
- Representing **owners corporations in NCAT** proceedings regarding unapproved devices, common property alterations, and nuisance claims

Speak to our specialist strata legal team today about implementing a custom 'Surveillance By-Law' for your scheme.

[Facing a smart camera dispute or looking to update your security rules?](#)



Adrian Mueller I BCOM LLB FACCAL I Partner

Since 2002 Adrian has specialised almost exclusively in the area of strata law. His knowledge of, and experience in strata law is second to none. He is the youngest person to have been admitted as a Fellow of the ACSL, the peak body for strata lawyers in Australia. [Profile](#) I [Linked](#)

Need Expert Strata Law Advice?

Whether you are navigating a complex dispute or looking to protect your scheme, our specialist NSW and Sydney strata lawyers are here to help. We provide clear, practical advice on all aspects of strata law, including by-laws, strata disputes, building defects, and fast levy debt collections. Call our team on 02 9562 1266 or [email us here](#) today.