

Surveillance Cameras on Residential Properties



This document is intended to assist residents who may be considering the installation of surveillance cameras or residents who are concerned with their use.

The installation of cameras on private property, in residential areas is becoming very popular along with the concerns from neighbours that the surveillance cameras are being used appropriately, are legal and are not being used to 'spy' on neighbours.

The City is not able to provide any specific advice related to individual rights and obligations as the use of surveillance cameras on private property does not fall under the jurisdiction of the City of Canning. The City however receives complaints from time to time regarding surveillance cameras and we therefore have some general advice for property owners;

Installing Cameras on Private Residential Property

The Surveillance and Devices Act 1998, must be complied with in relation to the installation and operation of surveillance cameras. Having said that, as long as the cameras do not contravene Section 6 of the Act then the following applies;

- No permission is required for the installation of cameras, including from the local Police, neighbours or the City of Canning.
- If you pay someone to install the camera system the installer must be licensed as required under the Security and Related Activities (Control) Act 1996.
- You are not obligated to install any signage to warn that cameras are installed.

The City would suggest however that you ensure the area under surveillance is of your private property only, and you inform neighbours of the installation. If the property is part of a strata title, enquire with your strata company as to whether the cameras are contravening a bylaw.

What to do if you have concerns regarding Surveillance cameras?

There are a few options you could consider;

- If you believe the surveillance is of your property, you can enquire with the WA Police, as to whether or not they will investigate such a complaint.
- If the footage is being used for indecent purposes, report it to the WA Police 131 444.
- It may be the case that a common law breach may have occurred, if your privacy has been adversely impacted. A breach of the common law is said to give rise to a "cause of action". Private nuisance is a cause of action that might be available to you, however you would need to seek your own legal advice.

For further assistance contact Legal Aid WA's InfoLine on 1300 650 579 also available at <http://www.legalaid.wa.gov.au> Legal Aid may be able to offer you advice regarding your rights.