

Is filming someone in a body corporate common area legal?

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Question: Is it illegal in Queensland to video or photograph persons in body corporate common areas?

I am on our body corporate committee. Our chairperson has lodged a complaint alleging that our caretaker's employee recorded or photographed him on common property.

Is it legal in Queensland to video or photograph persons in public areas such as a body corporate's common property?

Answer: There is no general prohibition on filming in public areas, but recording someone in a private place is an offence.

The body corporate legislation is silent as regards videoing and/or photography of persons while on common property. Furthermore, there is no general law in Queensland that [prohibits videoing and/or photography of persons in public areas](#), despite it being generally annoying, intrusive and provocative.

However, there is legislation relating to visual recording of another person in a private place or during a private act. For example, it is an offence to observe or visually record another person in a private place without consent and in circumstances where a reasonable adult would expect to be afforded privacy



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([section 227A\(1\)](#) of the *Criminal Code* 1899 (Qld)). 'Private place' is defined to mean a place where a person might reasonably be expected to be engaging in a private act (showering, bathing, using a toilet, another activity in which a person is in a state of undress, or intimate sexual activity that is not ordinarily done in public). Videoing a person while they are on common property and not engaging in a private act (such as simply traversing the scheme land) would generally not amount to an offence under this legislation.

Additionally, there is also legislation in Queensland that stipulates that a person is not permitted to record private conversations that they are not involved in ([section 43](#) of the *Invasion of Privacy Act* 1971 (Qld)), which is becoming an issue for security cameras facing public areas (walkways and corridors).

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