



**SIS** Support  
Information +  
Strength

Holistic family violence support for  
Aboriginal + Torres Strait Islander people

# Fact Sheet: Recording Family Violence

In Tasmania, it is generally illegal to record a private conversation (whether or not you are taking part).

**It may not be illegal to record someone if...**

the other person has  
consented

or

there is an imminent threat  
of violence or substantial  
damage to property

or

you are in a  
public place

If you record someone in private without their consent and there is not an imminent risk of harm or property damage, you could be breaking the law.

Recording includes audio or video recordings, such as taking a video on your mobile phone or recording a skype call without the other person knowing.



## What does this mean in a family violence context?

If you are experiencing family violence (or other unsafe behaviour) you can make a recording if you believe there is an imminent threat of violence or serious property damage. You do not need the other person's consent if they are behaving in a violent or damaging way. For example, if someone is damaging your property, or threatening to hurt you or your children, it is likely that this recording would not be illegal.

## Can I use my recording in Court?

Even if your recording has been made illegally, it *may* still be able to be used in Family Court, Child Safety proceedings, Criminal Proceedings or in a Family Violence Order Application.

- 1) The Court will first decide whether the recording was made legally. If it is, it can generally be used.
- 2) If the Court decides it was made illegally, the Court will then decide whether the benefit of using the recording outweighs the unfairness to the other party, and how much weight they should give the recording.

Even if you don't show the recording to the Court, it may still be useful for an Application or Affidavit, as you can put the exact words that were said or describe the actions recorded on a video.



**SIS Tasmania** for legal and non-legal support for Aboriginal or Torres Strait Island Adults and Children who have or are experiencing Family Violence or Sexual Assault.  
Operates 9am-5pm Monday to Friday.

☎ 1800 747 827 🌐 [sistas.org.au](http://sistas.org.au)

scan the QR code for more resources and support information

## Other support available:

FVCSS: 1800 737 732  
1800RESPECT: 1800 727 732  
POLICE (non emergency): 131 444  
EMERGENCY: 000

*The information contained in this factsheet is not legal advice. If you have a legal problem, you should talk to a lawyer before making a decision about what to do.*