

Thursday, 30 October 2008

VIDEO PERVERTS PENALISED

Attorney-General Michael Atkinson says modern-day peeping toms now face jail for preying on members of the public using new technology such as web cams and mobile phones.

“A new type of techno-savvy pervert has emerged with rapid advances in modern technology. These people prey on unsuspecting members of the public in circumstances where the victim would expect privacy,” Mr Atkinson said.

“The law has been tightened to make sure these offenders are deterred from this despicable violation of privacy and, if they do offend, can now be properly dealt with in our courts,” he said.

Under the laws passed by Parliament late yesterday it is an offence to film or photograph:

- another person in a state of undress in circumstances in which a reasonable person would expect privacy;
- another person engaged in a private act in circumstances in which a reasonable person would expect privacy; or
- another person's private region in circumstances in which that person would not expect to be filmed (a practice commonly called up-skirting).

A private act would include bathing, showering, using a toilet or a sexual act that would ordinarily not be done in public.

“Hiding cameras in private locations such as bathrooms and ‘upskirting’ (where offenders covertly film up women’s skirts) is highly offensive behaviour and will no longer be tolerated in S.A.,” he said.

The new law creates the charges of indecent filming and distributing indecent films or photographs. The crimes are punishable by a maximum jail term of two years or a fine for \$10, 000.

A person has a defence to these charges if the subject consented or if the images were captured by a licensed investigator in the course of an investigation into a claim for compensation, damages or some other benefit. Covert police operations are also exempt.

A person cannot be deemed to have given consent if he or she is under 16, mentally incapacitated or if the images were obtained under duress or deception.