

Wednesday, 5 March 2008

CRACKDOWN ON MODERN-DAY PEEPING TOMS

New laws to create a new offence of indecent filming will be introduced to Parliament today to crackdown on modern-day peeping toms using new technology such as web cams and mobile phones to film unwitting members of the public.

Attorney-General Michael Atkinson says the new offence will be created under the *Summary Offences Act 1953* and will carry a maximum penalty of \$10,000 or two years' imprisonment.

Under the laws it would be an offence to film or photograph without their permission:

- another person in a state of undress in circumstances in which a reasonable person would expect to be afforded privacy;
- another person engaged in a private act in circumstances in which a reasonable person would expect to be afforded 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 using a toilet or a sexual act of a kind not ordinarily done in public.

The Attorney-General says that under the new laws a person can't be deemed to have given permission if he or she is under 16, or mentally incapacitated, or it was obtained under duress or deception.

"Thankfully there have been few cases reported so far in South Australia, but we have seen cases interstate and overseas," Mr Atkinson says.

"Indeed in some countries such as Japan they even warn commuters on busy, crowded public transport systems to be wary of the practice.

"It's fair to assume that the raincoat brigade here will seek to satisfy their urges by exploiting more sophisticated mobile technology as it becomes available.

"We are making sure that, when they do, we have the laws and penalties in place to deal with them."

Mr Atkinson says that filming by a licensed investigation agent under the *Security and Investigation Agents Act 1995* would be exempted under the new laws provided that it occurred in the course of obtaining evidence in connection with a claim for compensation, damages, a payment under a contract or some other benefit.

A person distributing pictures obtained by indecent filming would also be guilty of an offence under the new laws and face a maximum penalty of \$10,000 or two years imprisonment.