

## **Intentionally causing harassment, alarm or distress**

**3.—(1)** An individual or entity must not, with intent to cause harassment, alarm or distress to another person (called in this section the target person), by any means —

- (a) use any threatening, abusive or insulting words or behaviour;
- (b) make any threatening, abusive or insulting communication; or
- (c) publish any identity information of the target person or a related person of the target person,

and as a result causing the target person or any other person (each called in this section the victim) harassment, alarm or distress.

[17/2019]

(2) Any individual or entity that contravenes subsection (1) shall be guilty of an offence and, subject to section 8, shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

[17/2019]

(3) In any proceedings for an offence under subsection (2), it is a defence for the accused individual or accused entity (called in this section the accused) to prove that the accused's conduct was reasonable.

### *Illustrations*

(a) X and Y are coworkers. At the workplace, X loudly and graphically describes to the other coworkers X's desire for a sexual relationship with Y in an insulting manner. X knows that Y is within earshot and intends to cause Y distress. Y is distressed. X is guilty of an offence under this section.

(b) X writes a letter containing threatening words towards Y intending to send the letter to Y to cause him or her alarm. X decides not to send the letter and throws it away. Y finds the letter and is alarmed. X is not guilty of an offence under this section as he or she had no reason to believe that the letter would be seen by Y.

(c) X and Y were formerly in a relationship which has since ended. X writes a post on a social media platform making abusive and insulting remarks about Y's alleged sexual promiscuity. In a subsequent post, X includes Y's photographs and personal mobile number, intending to cause Y harassment by facilitating the identification or contacting of Y by others. Y did not see the posts, but receives and is harassed by telephone calls and SMS messages from strangers (who have read the posts) propositioning Y for sex. X is guilty of an offence under section 3(2) in relation to each post.

(d) X records a video of Y driving recklessly in a car on the road. X posts the video on an online forum, where people share snippets of dangerous acts of driving on the road. X posts the video with the intent to warn people to drive defensively. X has not committed an offence under this section.

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