

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.

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(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.

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(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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