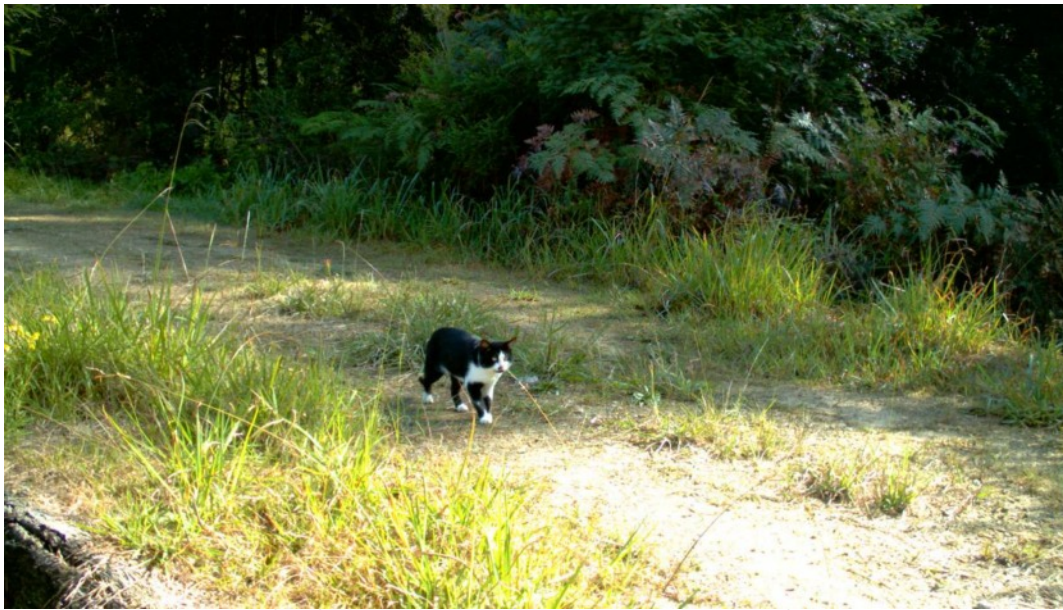


Camera trapping trend on the rise

By ANDREW NORRIS

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An image captured of a feral cat during Invasive Animal Cooperative Research Centre (CRC) studies. Invasive Animal CRC project officer Paul Meek says capturing people on camera comes with extra responsibility.

CAMERA trapping is not new, but its use is expanding across Australia as a means of monitoring sites for a range of targets.

In the farm context this includes anything from monitoring feral pests, water troughs or livestock, keeping an eye on fuel tanks or seeing who enters the front drive.

However, these devices, if not used properly, can also become a trap for the unwary farmer.

Invasive Animal Cooperative Research Centre project officer Paul Meek said these devices are mostly triggered by heat and/or motion although time lapse camera traps can also be used where time intervals can be set between photographs irrespective of a target being present.

The devices range in size from a shoe box down to that of a global positioning system car navigation unit.

Mr Meek, also an ecologist, said he was using camera traps mainly for monitoring invasive pests, however, farmers were commonly using them to prevent theft of, or damage to property.

And this is where the cameras can come back to bite them.

He said farmers should be aware that just because they have caught somebody doing something they shouldn't have done on camera, doesn't mean it will necessarily stand up in the eyes of the law.

After realising the gravity of this issue, he cowrote a paper called Camera Trappings and Invasions of Privacy: An Australian Legal Perspective.

"The fact that a person is unwittingly photographed or filmed by a camera trap may constitute an intrusion on that person's privacy.

However, in the absence of a tort for invasion of privacy there is little or no recourse for the victim of such behaviour under current Australian common law," he said in the paper.

Essentially, the easy way forward if a farmer catches an intruder in an act such as stealing, shooting or any other form of misconduct on their farm, was to give the images straight to the police or a solicitor.

He said if the images catch a person in the act of something that can defame, denigrate or embarrass them, or if the images are given to a third party other than the police or a solicitor, then it triggers privacy laws and the farmer could then be at risk of prosecution.

"So the easiest thing to overcome how the legislation works is to immediately hand the imagery to the police or a solicitor, and delete your own images so it can't accidentally be sent anywhere," he said.

Ideally, farmers should also have a sign up warning people there are cameras on their property.

Gunnedah lawyer Peter Long said images captured on CCTV footage or on still camera shots of persons engaged in acts of trespass or theft or malicious damage should not be broadcast by individuals in some sort of "show and shame" regime.

The basic philosophy behind having the ability to capture such images is, first, to deter persons from committing unlawful acts and, secondly, to assist the police in their criminal investigation should such an act actually occur.

As such, he said signage should be put up alerting visitors to the property that surveillance cameras have been installed in order to achieve the desired deterrent effect and images captured of wrong doers ought to be given to the police who can use such images in order to investigate an offence where there are reasonable grounds to believe an offence may have been committed.

"Broadcasting by individuals of images of persons committing a crime is unlikely to expose them to a charge of committing criminal defamation, which requires knowledge that the material being broadcast is false, or result in them being found liable for civil defamation if the material being broadcast is true," he said.

NSW Police Assistant Commissioner Geoff McKechnie said cameras on farms were becoming more common and did have the potential to help bring people to court.

"We're certainly in our conversations with people and our visits to rural locations more aware of people using all sorts of technology to monitor all sorts of things.

"From a policing perspective it is a positive thing because often when a crime's committed on a rural property there's often very little evidence."

He reiterated that farmers should give any incriminating images straight to the police, and supported the idea of placing signage to deter trespassers.

"If you can be overt about it and put the signage up you're probably going to deter people," he said.