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Enhanced focus on tackling revenge pornography backed by legal sector

The Federal Government's announcement of new initiatives to tackle the 21st century scourge of revenge pornography has received the support of the legal sector.

Under the initiatives announced today:

- The Government will conduct a public consultation process on a proposed civil penalties regime targeted at both perpetrators and sites that host images; and
- A new Children's eSafety Commissioner, Julie Inman Grant, will have expanded responsibilities to take a lead role in combatting revenge pornography.

The Government also stated its commitment to work with the states and territories through COAG to support a nationally consistent approach to criminal offences.

Law Council of Australia President, Stuart Clark AM, said it had long been the Law Council's position that existing criminal offences do not adequately cater for the range of behaviours encapsulated in the concept of 'revenge pornography,' and reform was welcome.

"Knowingly or recklessly recording an intimate image without consent and sharing such an image – or threatening to share such an image – should carry very clear and serious consequences," Mr Clark said.

"Our laws need to keep pace with shifting technology and culture, and currently they do not to adequately capture the social and psychological harm that results from the use of sexual imagery to cause harm and distress.

"The public consultation on proposed civil penalties is a welcome initiative from Government. It will start the process of laying down clear markers about the penalties perpetrators and host sites can expect. We look forward to working closely with Government as part of the consultations," Mr Clark said.

Mr Clark noted that the Senate Legal and Constitutional Affairs Committee recommended the Federal Government implement a public education and awareness campaign about non-consensual sharing of intimate images for adults by empowering and resourcing the Office of the Children's eSafety Commissioner and the Australian Federal Police to build on their existing work with children in relation to cybersafety.

"We must be acutely aware of how revenge porn has the potential to affect minors and therefore expanding the responsibilities of the new Children's eSafety Commissioner is absolutely appropriate. We have the utmost faith in Ms Grant to undertake this vital work" Mr Clark said.

Mr Clark noted that the Law Council remained strongly supportive of a national criminal framework to combat revenge pornography, but that a nationally consistent approach to criminal offences negotiated through COAG was a welcome step.

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