

New Commonwealth legislation necessary to combat revenge pornography

Law Council calls on federal government to accept Committee's recommendations

The Law Council of Australia has called on the federal government to accept the recommendations of the Senate Legal and Constitutional Affairs Committee regarding its inquiry into the phenomenon colloquially known as 'revenge pornography'.

The Committee has made a number of recommendations in accordance with the Law Council's submissions, including that the Commonwealth Government legislate offences of knowingly or recklessly recording or sharing intimate images without consent and/or threatening to take or share such images.

Law Council of Australia President Stuart Clark AM said the emergence of the internet, social media and the proliferation of mobile devices had given rise to the practice of 'revenge pornography,' which now demanded an appropriate legislative response.

"It is 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,'" Mr Clark said.

"Existing laws fail to adequately capture the social and psychological harm that results from the use of sexual imagery to cause harm and distress. 'Revenge pornography' can have a devastating impact on a victim's life by causing severe damage to the relationships, employment opportunities, reputation, and mental health of the victim.

"Knowingly or recklessly recording an intimate image without consent and sharing such an image – or threatening to share such an image – should be an offence. The Law Council considers Commonwealth legislation to be a necessary step to ensure perpetrators of the non-consensual sharing of intimate images are held to account.

"Because women are usually the victims of revenge pornography, Commonwealth legislation that effectively addresses the problem of 'revenge pornography' would therefore be a positive step in combating violence against women.

"The Law Council endorses the Committee's recommendations and the federal government's position that the offences require careful drafting.

"The Law Council looks forward to participating in further consultations in the development of any offences on this issue."

Mr Clark noted that the Law Council also supports the additional recommendations of the Committee, including the introduction of a national education and awareness campaign.

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