

Intimate Image Offences

Quick Facts

1 What are intimate images?

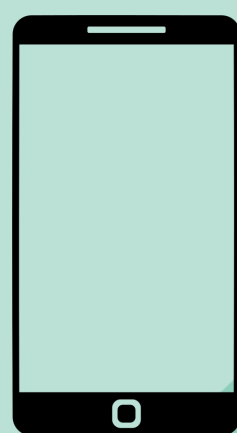
An intimate image refers to a picture of somebody's genitals, or somebody during a private act that normally wouldn't be seen in public. Examples of intimate images include photographs or videos of:

- Breasts, genitals, or anal area
- Somebody in the shower, toilet or doing a sexual act.

Photoshopping a person's face onto an intimate image (such as a nude body) can also be considered an 'intimate image'.

2 What is image-based abuse?

Image-based abuse is where someone sends or uploads (or threatens to send or upload) intimate images **without the consent** of the person who is depicted in the image. To share an intimate image legally, the person depicted must be over 18 years of age and consent must be free and voluntary. That means, consent must be freely given, without coercion or intimidation. Furthermore, just because someone has given consent for the image to be sent to one person, does not mean that person has given permission to share the image more widely.



3 What are some examples of Image-based abuse?

Examples of Image-based abuse include:

- Sending around a friend's intimate image without consent via SMS or messenger apps;
- Blackmailing someone by threatening to upload an intimate image of them;
- Posting an intimate image of someone in an online forum without consent;
- Photoshopping somebody onto a different nude image

4 What is 'revenge porn'?

Colloquially, 'revenge porn' refers to sharing intimate images of your ex-partner seeking revenge after a breakup. It is a form of image-based abuse and is a criminal offence.

5 Who can be an abuser?

Anybody who sends an image without consent can be charged with image-based abuse. This includes your friends, family, partner, ex-partner, or boss. Just because you are in a relationship with somebody does not entitle them to send around your intimate images without your consent.



6 Intimate image abuse and under 18

If you share intimate images of someone under the age of 18, you can be charged with distribution of child abuse material. Persons under the age of 18 cannot consent to an intimate image of them being shared. Even if the person says that they consent to their intimate image being shared, it is still an offence to possess and/or share that image.

7 The penalty for image-based abuse

If you are convicted of image-based abuse, you may be imprisoned for **up to 3 years**. If you are convicted of sharing intimate images of someone under 18, the maximum penalty is **10 years imprisonment**. You may also face additional restrictions on release and be placed on the child protection register.

I'm a victim of image-based abuse, what should I do?

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If you're a victim of image-based abuse, you can try to get the image taken down from wherever it was posted by:

- Asking the person who uploaded the image to take down or delete the image;
- Contacting the website or social media service to have it taken down;
- Contacting the eSafety Commissioner who can assist you in getting the image removed from social media or a website, and guide you with regard to appropriate next steps;
- Report the matter to the police.

Being a victim of image-based abuse can also be an extremely stressful and upsetting experience. There are multiple avenues of support available to you including:

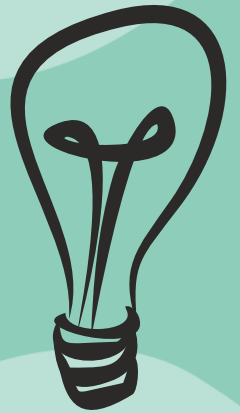
- Talking with a trusted family member or friend
- Speaking with a counsellor
- Contacting support Services such as 1800RESPECT on 1800 737 732 or Lifeline on 13 11 14

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Where can I get more information and help?

Youth Law Australia
eSafety Commissioner
TechSafety
StopNCII.org

Lifeline Australia: T. 13 11 14
1800RESPECT: T. 1800 737 732
Kids Helpline: T. 1800 55 1800
QLife: T. 1800 184 527



Western Sydney University Justice Clinic

For further details on the WSU Justice Clinic, please visit the website.

If you are a WSU student, contact the WSU Student Legal Service at studentlegalservices@westernsydney.edu.au for more guidance.