

News releases - John Rau

Revenge porn offenders face penalties

John Rau

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Tougher laws to prevent the distribution of intimate and pornographic images of another person without their consent have been passed by Parliament.

The new laws will crack down on so-called “revenge porn” and make those who threaten to send an invasive image of another person or intend to “arouse a fear” that the threat will be carried out guilty of criminal offence.

It will provide police and prosecutors with a more flexible range of offences to better reflect such conduct.

Under changes to the *Summary Offences (Filming and Sexting Offences) Amendment Bill 2016*, a person who threatens to send either an invasive image or clips from indecent filming would face up to a maximum penalty of two years imprisonment or a \$10,000 fine.

A new expanded offence of sending an invasive image depicting a person under 17 years will now carry a maximum penalty of \$20,000 or four years imprisonment.

Background

Public consultation was sought on the draft Bill earlier this year.

The new Act clarifies and updates current laws in South Australia regarding revenge porn and extends the scope of an “invasive image” to images involving children under the age of 17 years in recognition of the fact that both adults and minors may distribute such images as an instrument of bullying, vilification and even domestic abuse.

Fears that minors engaged in consensual sharing of intimate images could be placed on the Child Sex Offenders Register are misplaced. Sufficient discretion exists between SA Police and the courts to ensure this would not occur unless the minor has committed a serious predatory offence.

This month both New South Wales and Western Australia have announced their intention also to criminalise the non-consensual sharing of intimate images.

Quotes attributable to Attorney-General John Rau

The phenomenon of ‘revenge porn’ is a highly topical community issue and we are pleased South Australia has become one of the nation’s first jurisdictions to legislate for these offences.

These types of images can all too often be used as means of bullying, harassment or revenge, as once an image hits cyber space it is there forever.

These changes should help protect a person's privacy and punish those who would seek to exploit people for some sick purpose.

Young people in particular however need to understand if they share an explicit selfie, it could be seen by hundreds, possibly thousands, of people.

Legislation alone won't solve this complex issue, but the updated law has a significant role in responding to changes in technology and society and declare the boundaries of appropriate conduct.