HAVE YOUR SAY ON REVENGE PORN OFFENCE

The NSW Government has started consultation on plans to criminalise “revenge porn”, the distribution of intimate or sexually explicit images without consent, Attorney General Gabrielle Upton announced today.

“Distributing intimate images without consent can have a devastating emotional and social effect on the person pictured and can be used as a way to deliberately humiliate, control or harass the intended victim,” Ms Upton said.

“We are seeking input from the community to help establish a 21st Century punishment for this 21st Century crime.

“The NSW Government is currently considering possible criminal measures to adequately address this concerning and harmful behavior, and we need strong laws to protect victims.”

The community will be consulted on a range of issues, including:
- the definition of “intimate” images and definition of “consent”
- how images are shared or distributed
- how to assess intent or motivation
- what penalties should apply, and
- how the offence should apply to children and young people.

The decision reflects the NSW Government’s recognition of concerns about privacy recently expressed by the Legislative Council Committee on Law and Justice and is part of the Government’s response to the Committee’s report on remedies for serious invasions of privacy, which was tabled earlier this month.

The NSW Government invites interested individuals and organisations to respond to the issues raised in this discussion paper. A discussion paper will be available until 21 October 2016 on http://www.haveyoursay.nsw.gov.au.

Submissions should be sent to: Justice Strategy and Policy, NSW Department of Justice, GPO Box 6, Sydney NSW 2001, or policy@justice.nsw.gov.au by 21 October 2016.