

The Director, Online Content

Department of Communications and the Arts

By email: [onlinesafety@communications.gov.au](mailto:onlinesafety@communications.gov.au)

7 July 2017

## **Submission on the proposed civil penalties regime for non-consensual sharing of intimate images**

Thank-you for the opportunity to make a submission as part of the Commonwealth's consultation on a new civil penalties regime for the non-consensual sharing of intimate images, and related matters.

Australian Women Against Violence Alliance (AWAVA) is one of the six National Women's Alliances funded by the Australian Government to bring together women's organisations and individuals across Australia to share information, identify issues and contribute to solutions. AWAVA's focus is on responding to and preventing violence against women and their children. AWAVA's role is to ensure that women's voices and particularly marginalised women's voices are heard by Government, and to amplify the work of its member organisations and Friends and Supporters. AWAVA's members include organisations from every state and territory in Australia, representing domestic and family violence services, sexual assault services, and women's legal services, as well as organisations representing Aboriginal and Torres Strait Islander women, young women, women educators, women in the sex industry and other groups.

AWAVA restates its position in support of moves to criminalise the non-consensual sharing of intimate images in Commonwealth law. As outlined in our submission to the 2016 Senate inquiry into "the phenomenon colloquially referred to as 'revenge porn'":

the best protection in the Australian context will be achieved by a specific purpose Commonwealth law mirrored by consistent and uniform State and Territory laws. Penalties for the offence should be substantial, reflecting the harm caused and the need to deter potential offenders. The definition of the offence should recognise that there are cultural and other differences in understandings of what is intimate or sexual. It should also focus on the potential harm caused to the victim, rather than the intention of the offender, with culpability framed in terms of recklessness with regard to the likely impacts on the victim, rather than depending on intention per se, which can be difficult to establish.<sup>1</sup>

It is not clear how the proposed civil penalties regime will interact with existing and potential future criminal law regimes. For this reason AWAVA is not provided detailed responses to the discussion

---

<sup>1</sup> <http://awava.org.au/wp-content/uploads/2016/04/AWAVA-submission-to-Senate-inquiry-on-phenomenon-colloquially-referred-to-as-revenge-porn-Jan-2016.pdf>

paper at this stage. However, we look forward to attending the public workshops and learning more, after which we may be in a position to provide further responses.

Thank-you for the opportunity to make a submission to this consultation. We also endorse the submission of the Young Women's Advisory Group to the Equality Rights Alliance, and may endorse responses made by other organisations as these become available. If you would like to discuss the contents of the AWAVA submission further, please contact Merrindah Andrew, AWAVA Program Manager, using the details below.

Merrindah Andrew

Program Manager

Australian Women Against Violence Alliance

[www.awava.org.au](http://www.awava.org.au) | [pm@awava.org.au](mailto:pm@awava.org.au) | ph: 0428 541 396