Consultation: Civil penalty regime for non-consensual sharing of intimate images

Submission for consideration

I categorically agree that there should be federal penalties for non-consensual sharing of intimate images, particularly on the internet.

The rise of the internet's popularity was unleashed before anyone could have time to reasonably assess the implications of a technology that allows instantaneous communication across the planet. As a result, internet governance has been completely reactionary. It is time to change that.

Last year I completed a university assignment on this very topic. The assignment was to be completed in video format and I have uploaded this to YouTube for your consideration as it defines my position on this issue as one in full support of federal intervention for these events: <https://www.youtube.com/watch?v=Jot5We59bZ4&feature=youtu.be>

My research was primarily on the website where boys and men are uploading images of teenage girls like trading cards. As I researched this topic I was absolutely horrified at the sheer number of fully accessible websites that contained utterly disturbing images collected from men of girls. Some of these images will never leave me. The bottom line is, these sites can be found and viewed via a simple Google search, this is not imagery on the dark web. And, yes, I reported what I found to the police.

The website mentioned on my above video obtained many of these images without awareness or consent of the girls. Boys would hold their camera up girls’ skirts when they were in a crowded space. Or when a girl was looking out the window of a moving train. Or if a girl was leaning forward to speak to another girl in her classroom, the boy behind her would lift up her skirt while another boy took the photo. I don’t know what’s more disturbing, the fact that the girls could not consent to the photos because they had no idea they were being photographed, or that the boys had no issue to set the girls up in this way.

This conduct tells me that these boys are totally incorrectly educated on a woman’s body and who owns that body. For these boys to be so easily participating in this activity, they have absolutely no respect for a woman’s private body parts. And these are Australian school boys, this is not uneducated boys that live in some remote part of the planet, these are boys that live in our society and are raised in our homes.

For this participation to occur, the boys do not understand consequences for their actions. When I called the police to report what I had found, I had a lengthy discussion with an extremely helpful police officer who assisted me to understand where the law sits in this situation. In my State, there is no provision to prosecute individuals who reside in this state and who share/have shared non-consensual images. This site could not be touched because the girls were not considered underage, but has their privacy not been invaded? Perhaps if there were a federal law that supported prosecuting these individuals this type of invasion would be taken more seriously.

It needs to be mentioned that social media sites are also a place where this activity is conducted. I was recently made aware of a Facebook page that encouraged girls to share naked images and images of sexual acts. Apart from this page completely defying Facebook’s community standards, the page encouraged the sharing of illicit imagery with zero concern for consent. I was also made aware that many of the girls in the shared images did not consent to their images being shared. But these girls have no power to report or prosecute the perpetrators. Additionally, if the girls were not a part of this private group on Facebook they could have no way to find out that their images were being shared. This is, again, a group made up of Australian contributors.

Invasion of privacy and sexual invasion has the same effect on the victim whether it be in person or in a virtual environment. Punishment for these acts should equal offline to that online. In addition, education is needed. A woman’s body is not public property and our younger generation need to understand the difference between a private encounter and who owns that encounter. Perhaps if consequences exist at a federal level there will be reasonable space for schools and homes to have discussions around the concept of privacy online and offline.