

REVENGE PORN

5 *FACTS*
YOU
SHOULD
KNOW

**MOST WOULD
REALISE THAT
PHYSICALLY
ABUSING YOUR
SIGNIFICANT OTHER
WOULD RESULT IN
CRIMINAL CHARGES,
BUT IN RECENT
AMENDEDMENTS TO
THE CRIMINAL CODE
NOW INCLUDES
LAWS ABOUT NON-
CONSENSUAL
SHARING OF
INTIMATE IMAGES
OR "REVENGE PORN"**



WHAT IS CLASSSED AS AN "INTIMATE IMAGE"

The defination of an intimate image is defined to mean a moving or still image that depicts one (or more) of the following:-

The person's genital or anal region, when it is bare or covered only by underwear.

The person engaged in an intimate sexual activity that is not ordinarily done in public

If the person is a female or intersex person who identifies as female - the person's bare breasts.



I'M NOT GOING TO SEND IT!

Although the amendments for revenge porn only came into effect in 2018, it is already an area, which has been brought before the Court regularly.

It does not matter that you didnt really intend on sending the photos, if you ***threaten*** to send an explicit intimate image is enough to have you charged.



BUT MY GIRLFRIEND SENT ME THE PHOTO CONSENSUALLY



Break ups are never easy in the era of social media. It isn't unusual for the break up to be made unnecessarily public or be published on social media. It is not a crime to send an explicit photograph of your partner, or even to receive that photograph (assuming your partner is over the age of 16 years). If the photograph is shared to friends without the consent of the person in the photograph, you could find yourself committing an offence.

BUT I GENUINELY THOUGHT THEY WOULDN'T CARE

You MUST have the persons consent if you want to send an intimate image to another person. The following statements would NOT be a defence to the charge of distributing intimate images;

- *She consented to the video, so I thought she would be fine to share it with my friends.*
- *Sending intimate images was part of our relationship. Look at her Facebook and see what she sent me - so why would she have a problem with it now?*
- *She is promiscuous anyway so sharing the photo should not be a problem.*



"Ridicule is the first and last argument of a fool"

CHARLES SIMMONS

Gatenby Criminal Lawyers is a boutique criminal law firm, first established on the Gold Coast in 2011.

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