



Just six charges laid under ACT's new revenge porn laws since being introduced

By Andrew Brown

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ACT Policing has laid just six charges relating to the territory's new revenge porn legislation in the seven months since it was introduced.

Police data reveals three people have been charged since the laws were first introduced in August last year.

Greens MLA Caroline Le Couteur says greater education is needed around revenge porn. Photo: Jamila Toderas

Out of the six charges there were four counts of threatening to capture or distribute intimate images and two for non-consensual distribution of intimate images.

Half of the revenge porn charges in the ACT have been laid in the past week, with a 47-year-old Gordon man facing court on Monday charged with three counts of threatening to capture or distribute images.

It's alleged the man printed more than 20 explicit pictures of his former partner and threatened to send them out.

Under the ACT's legislation, people who publish or threaten to publish revenge porn face up to three years in jail or a \$45,000 fine.

The penalties are increased to either five years in jail or a \$75,000 fine if the victim is under 16.

An ACT Policing spokesman said during the same time period there had been 28 charges for using a carriage service to menace, harass or offend.

An ACT Policing spokeswoman said all three cases of revenge porn police had laid charges in, victims reported the offences to officers.

"ACT Policing is well aware of the personal impact the sharing of intimate images can have on a victim," the spokeswoman said.

"This new crime type complemented the existing Commonwealth offence of using a carriage service to menace, harass or offend."

Experts warn that despite the relatively low number of charges issued by police in the past six months, the number of Canberra victims of revenge porn were higher.

RMIT associate professor Nicola Henry, a leading researcher on revenge porn, said she was not surprised by the low number of charges.

"Victims may be concerned that if they report it, it will antagonise the perpetrator and images would be shared," she said.

"The barriers for victims is that not only do they feel the perpetrator would seek retribution, the other issue is the feelings of shame or embarrassment if they report it."

Dr Henry has previously praised ACT's revenge porn laws as among the best in the country, with other Australian jurisdictions following the capital's lead.

Previous research conducted by Dr Henry found an estimated one in 10 people surveyed said someone had shared or threatened to share a sexually explicit image of themselves.

"One in 10 is a huge number, and logic should have it that there would be more charges," she said.

"The Australian community view image-based abuse as an abhorrent act that has significant impact on the victim, and you would hope the legislation plays a deterrent effect."

At the time law came into effect, Canberra Rape Crisis Centre service director Penny Pestano said they had multiple new inquiries from young people with electronic and social media issues.

Ms Pestano previously told Fairfax Media the centre would support a more positive definition of consent "creating more onus towards the offender to prove the consent was received".

ACT Greens crossbencher Caroline Le Couteur, who said last year the revenge porn laws did not go far enough, said more education was needed to ensure people were comfortable in coming forward.

"I hope a combination of these new laws, recent media attention, the #MeToo campaign and the government's forthcoming community education campaign will stop problematic behaviour before the police need to be involved," she said.

"We have appropriate laws in place - education is the vital next step."

Ms Le Couteur said the current laws could be strengthened by clarifying the provisions surrounding upskirting, calling current provisions "vague and confusing".

"It remains deeply troubling that an estimated one in five Australians are victims of image-based sexual abuse," she said.