GILSHENAN & LUTON
LEGAL PRACTICE



# Revenge porn

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Given the prevalence of social media today, the community is increasingly confronted with situations involving the creation and distribution of sexually-explicit content. In recognition of this, Queensland has now implemented legislative reform to combat the ever-growing problem commonly known as ‘revenge porn’.

## What is ‘revenge porn?

Put simply, revenge porn can be described as the non-consensual sharing of (or threatening to share) sexually-explicit content (such as images and recordings). So, whilst the image or video may have been taken with the consent of the parties involved, if that content is then shared without consent, it would fall within the category of revenge porn.

This conduct does not necessarily have to be motivated by revenge though. Ultimately, it is a form of cyberbullying and in some instances, is considered domestic violence. Offenders may have different motives such as sexual gratification, control, intimidation, and financial or social status purposes.

## What does the law say about revenge porn and what is the penalty upon conviction?

In line with other states and territories, Queensland introduced laws which became operational in February 2019 and create new offences prohibiting the distribution, and threats to distribute, intimate images or recordings of another without their consent.

These new offences carry a maximum term of imprisonment of three years.

The practical effect of these laws is that a person (including people under 18) can now be criminally charged and prosecuted for being involved in ‘revenge porn’.

## What could happen if I’m charged with a revenge porn offence?

If you are charged with a revenge porn offence in Queensland, your charge will proceed through the criminal justice system in the same way as any other criminal matter before the courts.

The ramifications for people convicted of revenge porn offences can be enormous. Not only is there a risk of imprisonment (or other serious penalties), but you may also find yourself with a formal criminal history, as a result of which you may suffer difficulties obtaining employment, travelling, obtaining a blue card etc – the list of potential consequences is frightening.

As such, if you are approached by police about, or charged with a revenge porn offence, you should contact us immediately.

## What should I do if I’m a victim of revenge porn?

As a victim of revenge porn, the impacts of the offending on you can be indescribable and have potentially life-long ramifications.

Consulting with an experienced criminal lawyer can therefore have many advantages. Your lawyer can advise you on reporting the offence to police (and the pros and cons associated with that decision), assist you in liaising with the police and preparing statements, and explain and guide you through the criminal justice system.

If you are a victim of a revenge porn offence, we urge you to contact us.

### Contacting Gilshenan &Luton criminal lawyer

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*This blog is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.*