

Victim blaming

When an intimate image is shared, the person in the photo is often blamed. It is important to remember:

- It is not illegal in Victoria for someone to take and send an intimate image of themselves when there is consent.
- It is illegal for someone to share that image without the consent of the person in it.
- Therefore, we need to focus on the behavior of the people sharing the image rather than the person in the photo.

The main message is that intimate images must not be shared without the consent of the person in them.

The laws regarding distribution without consent **apply to everyone who shares the photos.**



Useful contacts with information and support:

To find a community legal service in your area	www.fclc.org.au/find_a_community_legal_centre	
Headspace	www.headspace.org.au	
Kids Helpline	www.kidshelpline.com.au	1800 55 1800
Youth Law	www.youthlaw.asn.au	(03) 9611 2412
eSafety Commissioner	www.esafety.gov.au	
eSafety Image Based Abuse assistance	www.esafety.gov.au/image-based-abuse	



Phone **1800 243 002**
www.murraymalleelegal.com.au

Funded by
a grant from

Victoria Law
Foundation

© 2018 Mallee Family Care. All rights reserved

The information contained in these resources is for information only. It must not be relied on as legal advice. You should seek legal advice about your own particular circumstances

Sexy Pictures The Rules

This information sheet is an accompaniment to the Sexy Pictures – The Rules video. The resources have been aimed at teens with intellectual disability or on the Autism spectrum, however they will be appropriate for wider audiences.

Facts about sexual assault

Research by the Australian Human Rights Commission in 2014 found that 1 in 4 people who report sexual assault are people with disabilities and 9 in 10 women with intellectual disability or on the Autism spectrum have been sexually abused.

One of the most significant factors in the sexual victimization of individuals with intellectual disability or on the Autism spectrum is their lack of knowledge about acceptable behaviour. More specifically, they may have limited sexual knowledge around consent and what constitutes appropriate sexual contact. They can sometimes find it difficult to assert their own opinions and they may give in to the suggestions or directions given by others, particularly when expressing their sexuality.

Challenges for young people with a disability

There were concerns that young people with an intellectual disability may unknowingly break the law and not be aware of the legalities of their behaviour. Although many of these young people may not be charged with offences, their activities are not victimless and are not without significant consequences for the young people concerned.

Faced by the lack of resources focusing on legal information for these vulnerable young people, the Murray Mallee Community Legal Service has developed two friendly and easy to follow videos for teens with intellectual disability or on the Autism spectrum, on the topics of sexual consent and sexting.

Empowering young people

Our aim is empower young people with legal knowledge to improve decision making and reduce their risk of becoming victims or breaking the law. This should reduce both legal intervention and presentation at sexual assault services.

The videos may not be appropriate for all young people with special needs however teachers, carers and parents will recognise when their teens are exploring relationships and sexuality and these tools may help to assist young people to understand the law and promote further discussion. The terms used have been at the suggestion of teachers/support staff who work with young people in the target audience.

The video mentions laws and offences but does not name them to make the messages more accessible.



Note: We have made this video for young people living in Victoria. The laws vary from state to state regarding sharing of intimate images however it is illegal no matter where you live in Australia to share intimate images without consent.

What is sexting?

Sexting (sexy texting) It is taking naked or partly naked photos or videos of yourself posing in a sexual way and sending the images via mobile phone or other technology.

Many young people see sexting as a form of flirting and experimenting with their sexuality. It can be illegal and it is very important that everyone is aware of the laws.

What laws might sexting be breaking?

If any party is under 18 it may mean committing the criminal offence of producing, possessing or distributing child abuse material (previously known as child pornography).

Child abuse material is defined as a film, photograph, publication or computer game which shows someone who is, or who appears to be, under the age of 18 engaging in sexual activity, or in an indecent sexual manner or context.

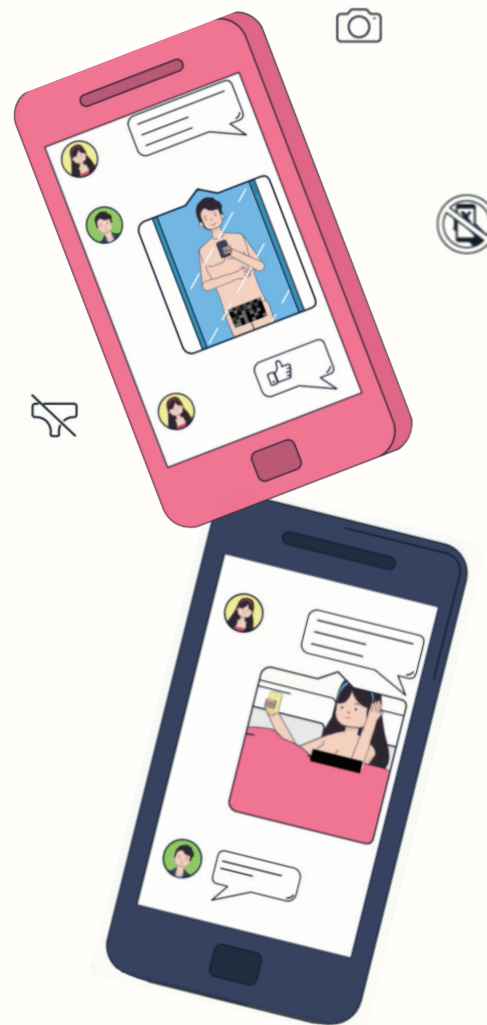
If found guilty of a Child Abuse Material offence it is a very serious matter with long term consequences.

- Up to 5 year jail term for possession of Child Abuse Material
- Up to 10 year jail term for producing Child Abuse Material
- Placed on the Sex Offenders Register

There are now some exceptions in **Victoria** which protect young people in some circumstances from being charged with these offences.

In Victoria, “consensual non exploitative sexting” **between minors** is no longer an offence however:

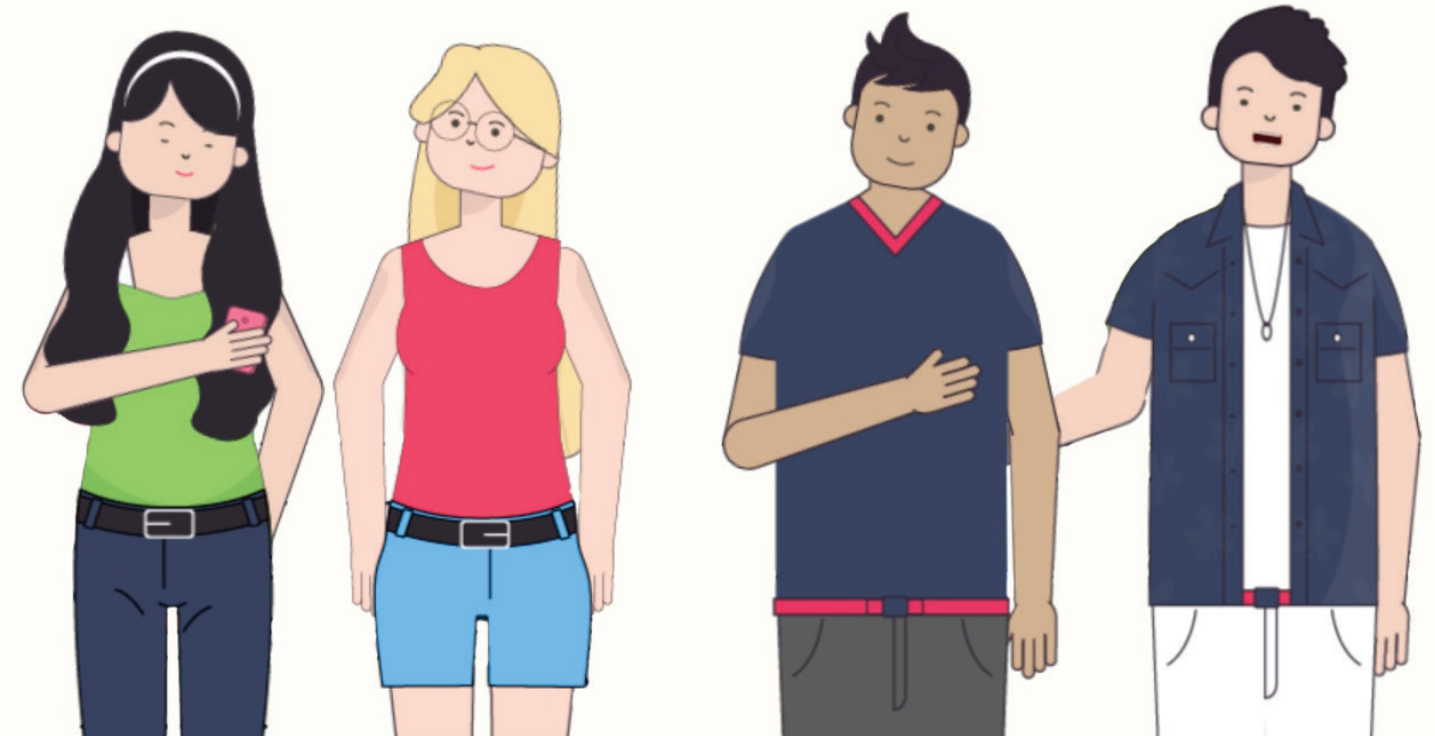
- There must be no more than 2 years between their ages
- The images cannot be shared with another person
- The exceptions do not apply if the image depicts a criminal offence such as sexual assault.



Sharing images without consent

Sharing of sexy or intimate images without consent is often referred to as revenge porn. The term “image-based abuse” is now preferred as there are many reasons that these images may be shared without consent

Research shows that 1 in 5 people have experienced image-based abuse and that some people, including people with a disability and young people are at heightened risk*.



From the video:

Tom and Amy can send sexy photos to each other as long as they do not share them with anyone else as they fit within the exceptions.

Jack and Mia however are more than two years apart in age and therefore Jack could be charged with child abuse material offences even if he doesn't share them with anyone else.



Sharing intimate images without the consent of the person in the image is against the law.

Maximum penalty – 2 years jail.

Section 41DA of the Summary Offences Act 1966

Threatening to share images without the permission of the person in the picture is against the law.

Maximum penalty – 1 year jail.

Section 41DB of the Summary Offences Act 1966



Note: The laws apply to all relationships whether they be friends or in an intimate relationship and apply to all sexual orientations and gender identities.

* Henry, N., Powell, A. & Flynn, A. (2017). Not just 'revenge pornography': Australian's experiences of image-based abuse.

