

## Youth Law: Image-Based Abuse and Sexting

This factsheet is designed to help young people learn their rights and obligations surrounding image-based abuse and sexting in the ACT.

If you are a young person with a matter concerning this, please call the **Youth Law Centre ACT** on **6173 5410** or **1300 654 314**. **Note: The Youth Law Centre (YLC) is Legal Aid ACT's dedicated service for young people under the age of 25. It is a free and confidential legal service.**

Legal Aid ACT's Youth Law Centre can help you if you have questions about intimate images and consent laws in the ACT or if you have been charged with a sexual offence. We can also help you if you are the victim of a sex crime. We can help you by:

- Giving you information and legal advice about intimate image abuse or sexting laws in the ACT.
- Helping you if someone has intimate images of you.
- Representing you in Court if you have been charged with a sexual crime.
- Referring you to non-legal support services such as counselling or government services.

### Image-Based Abuse

#### What is image-based abuse?

Image-based abuse is where someone shares or threatens to share an intimate image of another person, knowing that the other person does not consent. This applies both in person and online and includes showing or sending the image to another person or posting the image online.

Intimate image abuse is a serious criminal offence. It can lead to terms of imprisonment if you are found guilty.

#### What is an intimate image?

An intimate image is a still or moving image that shows:

- A person's genitals, breasts or anal area (even if they are wearing underwear);
- A person undressed, using the toilet, showering or bathing;
- A person doing something they would usually do in private; or
- A person in a sexual manner or context.

It doesn't have to be a real photo – an intimate image can also include photos and videos that have been altered or photoshopped to show any of the things mentioned above. This includes photos generated through AI or 'deepfakes.'

#### It is illegal to share intimate images of someone without their consent or to threaten to do so.

In the ACT, it is a crime to send, supply or make available intimate images or video of someone without that person's consent. This includes showing the images or footage to others, posting the images or footage online or sending the images or footage to another person electronically.

#### I sent an intimate image to someone. Is it legal for them to show my image to other people?

Even if you sent the image or footage to the first person, that person is still not allowed to show or share that image to others without your permission. This law applies to both young people and adults.

Any person (including young people) who shares an intimate image of you without your consent may be charged with a crime and face maximum penalties of imprisonment, large fines or both.

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### Someone has shared intimate images of me or is threatening to do so – what can I do?

If someone has distributed intimate images of you without your consent, or they are threatening to do this, that person is committing a crime. It is important to remember that they have committed the offence, not you. You should not feel scared to get help if this has happened to you.

You could:

1. Collect evidence – of any threats and images that have been shared without your consent. You can take screenshots or print images of the abuse or threats.
2. Get the images removed – if your image has been posted online, you can report it to the website or social media service to get it removed.
3. Report it to the police. If you are ever in immediate danger, please call the police on 000.

If you do not know what to do, a good place to start is calling the Youth Law Centre for a free and confidential appointment. The Youth Law Centre can explain your options to you. Call them on **6173 5410** or **1300 654 314**.

### Getting Help – Reporting to the Police

Sharing intimate images or footage of someone without their consent or threatening to do this is a very serious crime. If this is happening to you or has happened to you, you can report this crime to the police. In the ACT, there is a special unit within ACT Policing called the Sexual Assault and Child Abuse Team ('SACAT'). SACAT is specially trained to deal with sexual offences and they can take your statement and investigate the situation.

Call 131 444 and ask to be put through to SACAT.

Reporting to police is a decision for you to make. If you do not know whether or not you want to report to the police, you may wish to speak to a support service first. See below for a range of non-legal support services that you can contact for help.

The Youth Law Centre can give you free and confidential advice about what to expect when reporting intimate image abuse to the police. The Youth Law Centre can also link you in with free services to support you in reporting to the police.

### Sexting

#### What is sexting?

Sexting is using the internet or your phone to share nude/sexy pictures.

#### Is sexting a crime?

Sexting can be a crime if the sext is:

- Legally considered to be 'child pornography';
- A sexually suggestive communication to someone under the age of 16; or
- Involves sharing intimate images without consent.

It is also a crime if the messages are harassing or intimidation.

### Child Pornography

Child pornography is a picture of a person under 16 who is:

- Showing their private parts (genitals, anus or breasts);
- Posing in a sexual way;
- Doing a sexual act; or
- In the presence of someone who is doing a sexual act or pose.

It is a crime to create child pornography or to share it. This includes sending a text that contains child pornography to someone, showing other people the

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child pornography, or uploading the child pornography online.

You can be charged with crimes relating to child pornography, even if you are under 16 years of age. Crimes concerning child pornography are very serious, so you should seek advice from a lawyer if you think you may be guilty of a child pornography offence.

If you are the victim of a child pornography crime, you should reach out for help. The Youth Law Centre can give you free and confidential advice about free supports available to victims of crime. The Youth Law Centre can give you information about what to expect when reporting child pornography crimes to the police. The Youth Law Centre can also link you in with free services to support you in reporting to the police.

### "Grooming" offences

It is also a crime to send messages to people under the age of 16:

- Suggesting they do something sexual; or
- Inviting them to be present when another person participates in an act of a sexual nature.

The behaviour above is a crime called 'grooming and depraving young people'. You can be charged with this crime, even if you are under 18 years of age.

It is also a crime to send or post online pornographic material of someone under the age of 16.

Remember, pornographic material includes nudes and other intimate images.

### What are the consequences?

The offences in this factsheet are extremely serious. Someone found guilty of these offences would

almost certainly get a criminal conviction. They would also face a serious risk of going to jail, potentially for a very long time.

If you are charged with any of the crimes outlined in this factsheet, you could also be put on the Sex Offenders Register.

### What is the Sex Offenders Register?

If you are found guilty of child pornography or indecency crime, you may be placed on the sex offender register. People on this register must give their contact details to the police and inform them of any changes (like moving houses or switching jobs). They are not allowed to work or volunteer in places involving children.

### What do I do if I've been charged with a crime?

Speak to a criminal lawyer immediately. Legal Aid can give free legal advice and representation, but you can also find a lawyer at [www.actlawsociety.asn.au/find-a-lawyer](http://www.actlawsociety.asn.au/find-a-lawyer).

### Useful Contacts

#### Legal Aid ACT

Monday to Thursday: 8:30am to 7:00pm

Friday: 8:30am to 5:00pm

[www.legalaidact.org.au](http://www.legalaidact.org.au)

Phone: **1300 654 314**

#### Youth Law Centre

Monday to Friday: 8:30am to 5:00pm

[ylc@legalaidact.org.au](mailto:ylc@legalaidact.org.au)

Phone: **(02) 6173 5410**

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### **Kids Helpline**

For free and private counselling.

[www.kidshelpline.com.au](http://www.kidshelpline.com.au)

Phone: **1800 55 1800**

### **Sexual Health and Family Planning ACT**

For sexual health advice.

[www.shfpact.org.au](http://www.shfpact.org.au)

Phone: **(02) 6247 3077**

### **Canberra Sexual Health Centre**

For free testing and treatment.

Phone: **(02) 5124 2184**

### **Canberra Rape Crisis Centre**

For free support for those who have experienced sexual assault or domestic violence.

[www.crcc.org.au](http://www.crcc.org.au)

Phone: **1800 737 732**

### **Victims Support ACT**

For non-legal support.

Phone: **(02) 6205 2222**

### **1800RESPECT**

Provides free counselling, information and support for people who have experienced sexual assault or domestic and family violence.

Phone: **1800 737 732**