

# **NORTHERN TERRITORY LAW REFORM COMMITTEE**

## **Report on the Non-Consensual Sharing of Intimate Images**

**Report No. 43**

**November 2016**

**MEMBERS OF THE NORTHERN TERRITORY LAW REFORM COMMITTEE**

The Hon Austin Asche AC QC	Professor Les McCrimmon
Chief Local Court Judge Dr John Lowndes	Mr Peter Shoyer
Ms Peggy Cheong	Mr Tass Liveris
Mr Russell Goldflam	Mr Jared Sharp
Superintendent Richard Bryson	Mr Ron Levy
Sonia Brownhill SC SG (Ex-officio)	Mr Tom Anderson
Ms Zara Spencer	

**MEMBERS OF THE NON-CONSENSUAL SHARING OF INTIMATE IMAGES  
SUB-COMMITTEE**

The Hon Austin Asche AC QC	Professor Les McCrimmon
Chief Local Court Judge Dr John Lowndes	Ms Peggy Cheong
Ms Megan Lawton	Superintendent Kris Evans
Mr Matthew Nathan SC	Ms Zara Spencer

**ABBREVIATIONS**

ALRC	Australian Law Reform Commission
DVO	Domestic Violence Order
Committee	Northern Territory Law Reform Committee
Senate Committee	Senate Legal and Constitutional Affairs References Committee
Standing Committee	New South Wales Standing Committee on Law and Justice

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## 1.0 TERMS OF REFERENCE

On 25 February 2016, the Attorney-General and Minister for Justice, JOHAN WESSEL ELFERINK, asked the Northern Territory Law Reform Committee to investigate, examine and report on law reform in relation to the practice of using intimate personal material to intimidate, hurt or extort others.

### **Matters for the Northern Territory Law Reform Committee's consideration and report**

1. Advise on the structure, nature and scope of some form of new offence in this regard:
  - (a) where a person intends to hurt, humiliate or gain an advantage over another person by making, or threatening to make, intimate personal materials, publi[sh] or share them with another person or persons;
  - (b) where a person records, obtains or procures intimate personal material of another person for those purposes;
  - (c) where a person is reckless as to the harm or humiliation caused to another person by distributing intimate personal material;
  - (d) where a third person obtains intimate personal materials of a person for the purposes of publication or distribution, whether for profit or some other purpose, and is reckless as to the harm or humiliation caused to that person by its distribution;
  - (e) the possible range of intimate personal materials to be considered for this purpose, including images, recordings, writings or similar;
  - (f) whether and how the consent of a person, in providing or producing the intimate personal materials at the time, may play any part in the subsequent offence.
2. Does the Northern Territory require legislation, similar in character to that proposed in other jurisdictions, to adequately capture this offending behaviour?

Thank you for your attention in this matter and I look forward to your considered response. I request that the committee present to me a completed report by 31 July 2016 [\*].

[\*Due to the complexity and significance of issues to be considered, on 21 June 2016 the Northern Territory Law Reform Committee was granted an extension to 30 November 2016 to complete its Report].