

2.0 RECOMMENDATIONS

Recommendation 1

Civil remedies of injunction or damages resulting from publication or non-consensual sharing of intimate images, presently within the jurisdiction of the Local and Supreme Court of the Northern Territory, should continue in force.

Recommendation 2

The Northern Territory Parliament should enact appropriate legislation to protect all persons resident or present in the Northern Territory from lasting harm or distress caused to any person by what is colloquially known as 'revenge porn', but more accurately described as the 'non-consensual sharing of intimate images'.

Recommendation 3

The term 'intimate image' should be defined to mean a moving or still image that depicts:

- (a) a person engaged in a sexual activity; or
- (b) a person in a manner or context that is sexual; or
- (c) the genital or anal region of a person, or in the case of a female or a transgender or intersex person and who identifies as female, the breasts.

Recommendation 4

Legislation should include specific public interest defences. It is recommended that conduct be defined as being of public benefit if it was necessary for or of assistance in:

- (a) enforcing a law of the Commonwealth, a State or a Territory; or
- (b) monitoring compliance with, or investigating a contravention of, a law of the Commonwealth, a State or a Territory; or
- (c) the administration of justice; or
- (d) conducting scientific, medical or educational research that has been approved by the Minister in writing for the purposes of this section.

There should also be an exclusion for persons that collect, prepare or disseminate material having the character of news, current affairs, information or a documentary or material consisting of commentary or opinion of this material.

Recommendation 5

Legislation should make it an offence to:

- (a) publish, by any means, intimate images of a person without that person's consent. It is not relevant to the offence that consent was given to create the images. The onus for

establishing that consent was given for the publication should rest upon the person publishing the intimate images; and

(b) threaten to publish intimate images.

Recommendation 6

Public education and awareness campaigns about non-consensual sharing of intimate images should be implemented by offices such as the Children's Commissioner and the Federal as well as Northern Territory Police to educate and support adults, young people and children in relation to digital technology and cyber-safety.

Recommendation 7

The Northern Territory Parliament should enact appropriate legislation to establish a statutory based administrative scheme that provides for the rapid issue of take-down and non-publication notices in relation to intimate images that have been posted without consent. Alternatively, should the Northern Territory Parliament be of the view that such an administrative scheme is not appropriate, it should enact appropriate legislation to empower the Northern Territory Police, or the individual whose intimate image has been posted, to apply to the Local Court for an ex parte injunctive order to take-down, and not permit the republication of, the intimate image.