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**From:** Janis Donnelly-Coode  
**Sent:** Friday, 30 June 2017 2:11 PM  
**To:** Onlinesafety  
**Subject:** Civil penalty regime for non-consensual sharing of intimate images

Good afternoon,

While I am fully in support of introducing specific and/or new penalties for 'revenge porn' I see two potential problems with this legislation.

Firstly, the problem with online bullying has always been the inability to prove who posted the content. I fear that these laws will not actually be enforceable because at the end of the day you are reliant on the goodwill of social networking sites like Facebook or web page providers like Wix to remove the content, but as those web sites are run by companies that are not Australian there is actually no way to subpoena sufficient information to prove who posted the picture, or to force the provider to remove the content.

Secondly revenge porn is used by teenagers as well as adults. Civil penalties like fines and injunctions won't work on teenagers, they have no money and they won't care about the injunction. Criminal penalties could destroy their future livelihood which means they will only be used in more extreme circumstances.

I don't think the issue is whether the penalty is civil or criminal, but the more fundamental problem is how do we police cyber bullying in an international / world wide environment. I don't see that the legislation addresses that, people can just open a Facebook account with a false name, choose all the same friends to that they have under their account with their real name, and then share the photos freely on that fake account. Without the ability to force information out of Facebook the victim has no way of proving who the owner of the account is, and this is a fairly unsophisticated answer to sharing revenge porn anonymously that most people would be able to do with very limited computer knowledge.

I think what needs urgent attention is how do we deal with an international crime or international civil issue, not what sort of penalty should be available.

Regards,

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