



# Image-based abuse

This fact sheet has information on image-based abuse, intimate images, and the types of sharing that is against the law.

## What is Image-based abuse?

Image-based abuse is when you share or threaten to share an intimate image of someone else without their consent.

It is against the law.

You can be charged for making a threat even if you do not have the image or if the image does not exist.

## What is an intimate image?

An intimate image is any picture, photo or video that shows a person in a private situation:

- » naked, partially naked, or in their underwear; or
- » undressing, bathing, toileting, or engaging in sexual activity.

This includes real photos, photo-shopped pictures, videos, stories, drawings and cartoons and can be in digital, electronic or printed form.

An image taken in public, like a photo of a person at the beach in their bathers, is not an intimate image.

## What about intimate images of young people?

It is against the law to take, keep, share or ask for an intimate image of a young person under the age of 18.

It is against the law even if the young person in the image says that it is okay and even if that young person is you, for example in a selfie.

This is because child pornography laws apply.

**It is against the law to share or threaten to share an intimate image of someone else without their consent.**

**“Child pornography laws apply to images of anyone under 18.”**

This fact sheet contains information only. It is not legal advice. If you have a legal problem, you should speak to a lawyer. Legal Aid WA aims to provide accurate information but does not accept responsibility if it is not.

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## What is sharing?

Some examples of sharing an intimate image are:

- » posting it to social media,
- » uploading it to a website,
- » displaying it in a public place,
- » texting, emailing, mailing or handing it to someone, and
- » forwarding an image that was first shared by someone else.

**“If someone gives you consent to share an intimate image once, that does not automatically mean it is okay to share it again.”**

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## When is it legal to share an intimate image?

It is not against the law to share an image of another person who is over the age of 18 and who freely and voluntarily gives their consent.

Consent means the person in the image says it is okay for you to share it. A person does not give consent if you use force, threaten, scare or trick them into saying you can share the image.

If someone gives you consent to share an intimate image once, or to some people, that does not automatically mean it is okay to share it again. You should check each time.

It is not against the law to share an intimate image of yourself if you are over the age of 18, you are not sending it to anyone under the age of 16, and you are not scaring or harassing anyone.

It is also okay to share an intimate image of someone in circumstances that would be considered reasonable, socially acceptable or in the public interest. For example, if you take a photo of your baby in the bath and send it to a family member, you are unlikely to be charged with an offence.

**“Legal Aid WA provides free community legal education on image-based abuse.”**

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## How can Legal Aid WA help?

Legal Aid WA provides free community legal education on image-based abuse through our R U Legal? program. To find out more about the program or to book a presenter, see the R U Legal? page on our website.