

20/7/24

To The Secretariat,
Senate Legal and Constitutional Affairs Legislation Committee;

My name is Richie Hardcore Steward. I am an educator, public speaker and advocate. My work focuses on the intersecting issues of masculinity, ending sexual and domestic violence, pornography and men's mental health. I have worked in this space for over ten years. As an independent consultant, I work with government agencies in Aotearoa New Zealand, non-governmental organizations, community groups, schools and workplaces. I have also worked extensively in schools and with organizations within Australia and have provided commentary and expertise to numerous Australian media projects.

I hold a master's degree in Sociology My research which explored the cultural transmission of dominant ideas of masculinity, and how they play out in the real world. My work and advocacy are informed by my childhood and adolescence being marked by my own experiences growing up with parental mental illness, alcoholism, and domestic violence.

I appreciate your invitation to make a submission on the Inquiry on the Criminal Code Amendment (Deepfake Sexual Material) Bill 2024 [Provisions]. It heartens me to see that the Australian Government is addressing this issue by looking to introduce offences that keep pace with the new technology and to criminalize the transmission of sexual material relating to adults, without their consent.

Deepfake pornography has been aptly described as “the new frontier of violence against women”¹. Despite its relative infancy, deepfake sexual abuse material is already documented as being used to harass and attack people, primarily women. Like any sexual act performed without consent, the creation of deep fake sexual material causes psychological pain and distress. It may be used to blackmail victims or used to extort sex acts from victims. Deepfakes may cause reputational damage, negatively impact victims' careers, friendships and social networks. As we have seen with other forms of media harassment and cyber bullying, this combination of outcomes can lead to suicidal ideation and suicide.²

Deepfake images and movies of unsuspecting victims may be spread rapidly through social networks and are incredibly difficult to remove from the internet. Subsequently,

¹ Clare McGlynn. *Deepfake porn: why we need to make it a crime to create it, not just share it*. The Conversation, April 10 2024.

Accessed <https://theconversation.com/deepfake-porn-why-we-need-to-make-it-a-crime-to-create-it-not-just-share-it-227177>

² Ariel Schoenfeld, Dale Mcniel, Takeo Toyoshima , Renée, Binder. *Cyberbullying and Adolescent Suicide* Journal of the American Academy of Psychiatry and the Law Online Feb 2023, JAAPL.220078-22; DOI: 10.29158/JAAPL.220078-22

there is an indelible element to the offending, that may cause further and ongoing damage and distress to victim survivors.

There are documented stories where deepfakes have been created that have been shared online, alongside the names, address and social media handles, a practice known as “doxing”. This further places victims at physical risk of stalking, rape and assault.³

Working with both young people and offenders of domestic violence, I have countless anecdotes to share of individuals who have had nude photos or videos of them used to extort and black mail them or shared non-consensually to cause harm. These acts are very real. Colloquially known as “revenge porn”, these images and videos may be created consensually but then are used against a person, most often women, to intentionally cause them pain. Recent research shows that one in seven adults have had someone threaten to share their intimate images.⁴

Further, victims of sexual assault may have their rape recorded by perpetrators. These photos and videos can end up circulating on social networks, or uploaded to pornographic websites. The advent of deepfake technology exacerbates the use of technology to sexually victimize people; again, predominantly women and girls. Events do not even need to have happened for them to cause damage to someone’s life.

As technology has evolved rapidly, photographs and videos do not need to even be real to be distributed. Without deep cultural change, I see no reason why malicious actors will not use deepfake technology to continue this trend. The proposed criminal amendment provisions are part of the required cultural change we need. Criminal prosecution alone does not prevent offending. However, it is an important tool to leverage which demonstrates society’s values, serve as a disincentive to some potential offenders, and to give victim survivors the ability to pursue justice.

As you are no doubt aware, when we discuss what causes gendered violence it is the social attitudes about violence, sexism, and expectations of gendered norms of behavior play a role in creating an individual’s schema of core beliefs. Core beliefs are shaped in childhood by many things, and our digital media environment has quickly become a key source of ideas and values which people digest and internalize. While it may be an optimistic hope, the more that we can do as a society to provide a positive online environment for children and young people, the better the end result. By limiting the harmful content that they are exposed to, and rejecting the idea that it is acceptable to

³ Ruby Cornish. *Sydney bartender Andrew Hayler jailed after sharing digitally altered images of women on porn site*. 21 June 2024. Accessed: <https://www.abc.net.au/news/2024-06-21/nsw-bartender-jailed-sharing-fake-images-women-on-porn-site/104005942>

⁴ Nicola Henry, Rebecca Umbach. *Sextortion: Prevalence and correlates in 10 countries*, Computers in Human Behaviour, Volume 158, 2024, 108298, ISSN 0747-5632.

dehumanize or degrade others by using technology, we can produce more positive long-term outcomes in society.

I support the proposed amendments as they serve as a deterrent, a consequence and contribute towards creating a culture that clearly does not accept image-based abuse. The strong sentences proposed send a clear message that Australia does not tolerate the use of technology to perpetuate sexual harm. It is commendable this amendment has been proposed and I sincerely hope it is passed into law.

Sincerely

Richie Hardcore Steward. BA (Hons), MA.

Reference List.

Cornish, Ruby. *Sydney bartender Andrew Hayler jailed after sharing digitally altered images of women on porn site*. 21 June 2024. Accessed: <https://www.abc.net.au/news/2024-06-21/nsw-bartender-jailed-sharing-fake-images-women-on-porn-site/104005942>

Henry, Nicola, Rebecca Umbach. *Sextortion: Prevalence and correlates in 10 countries*, Computers in Human Behaviour, Volume 158, 2024, 108298, ISSN 0747-5632.

McGlynn, Clare. *Deepfake porn: why we need to make it a crime to create it, not just share it* . The Conversation. April 10 2024.
Accessed <https://theconversation.com/deepfake-porn-why-we-need-to-make-it-a-crime-to-create-it-not-just-share-it-227177>

Schoenfeld, Ariel, Dale Mcniel, Takeo Toyoshima , Renée, Binder. *Cyberbullying and Adolescent Suicide* Journal of the American Academy of Psychiatry and the Law Online Feb 2023, JAAPL.220078-22; DOI: 10.29158/JAAPL.220078-22

