



6 September 2018

Research Director  
Legal Affairs and Community Safety Committee  
Parliament House  
George Street  
BRISBANE Q 4000

Email: [lacsc@parliament.qld.gov.au](mailto:lacsc@parliament.qld.gov.au)

Dear Sir/Madam

***Re: Criminal Code (Non-consensual Sharing of Intimate Images) Amendment Bill 2018***

We refer to the email dated 24 August 2018 seeking Submissions on the above Bill by 10 September 2018. We commend the Attorney-General and Queensland Government for their commitment to protecting the privacy of Queenslanders, especially children and young people.

Protect All Children Today Inc. (PACT) is a non-profit community organisation established in 1986 as a service provider of court support as well as advocating for vulnerable children, young people and their families. PACT's Child Witness Support Program provides support for children and young people who are required to give evidence in criminal court matters, either as victims of, or witnesses to, a crime. PACT recruits Child Witness Support Volunteers to provide child victims and witnesses with support and information about the Criminal Justice System. Since its establishment in 1985, PACT has supported almost **23,000** child victims and witness.

PACT is supportive of any legislative reforms that better protect vulnerable children and young people who have been victims or witnesses of crime. It is through our long-term experience, that we offer the following comments:

Sadly, PACT has supported child victims of technology-facilitated abuse (revenge porn) and strongly agree the non-consensual distribution of private images through social media and emails can be humiliating and distressing. Likewise the threat to distribute such images can provoke fear or be used as a way to control or coerce another person. This is especially relevant in offences of this nature against children and young people.

We agree that this issue requires a multi-faceted approach including civil remedies, education and community awareness raising is important. However, comprehensive criminal laws are an essential component to ensure offenders are held accountable for their actions and that community expectations are met.

It is pleasing to note that Queensland is addressing an existing gap in the Criminal Code and following other Australian jurisdictions who have already introduced specific offences which criminalise the non-consensual distribution, or threatening to do so, of intimate images.

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***Vice Regal Patron: His Excellency the Honourable Paul de Jersey AC, Governor of Queensland***

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### ***Policy Objectives***

We support the new offence will prohibit the distribution, without consent, of an intimate image of another person in a manner that would cause distress.

PACT strongly supports the view that a child under the age of 16 years is incapable of giving consent to having their personal and intimate images distributed. We believe the age of the child is particularly relevant; the younger the child, the more vulnerable they are due to their lack of physical and emotional maturity and inability to adequately protect themselves.

We support the establishment of new offences which will prohibit threats to distribute intimate images or prohibited visual recordings without the consent of the person depicted.

New powers to allow the court to order removal or retraction of distributed images upon conviction of the new offences will better protect vulnerable children and young people. We are also supportive of the increased penalties should an offender fail to comply with the court order.

### ***Consistency with fundamental legislative principles***

We appreciate the Bill has been drafted with due regard to the fundamental legislative principles and that these amendments may rightly impact on the rights and liberties of individuals by creating new offences. This is necessary to achieve appropriate balance between individual rights and liberties and the protection of the broader Queensland community.

PACT agrees with the two defences identified to protect law enforcement and other relevant officers acting in the course of their duties and if the offending was for a genuine artistic, educational, legal, medical, scientific or public benefit purpose. However, we would show real caution to the latter if a child or young person's intimate images are involved, given their lack of maturity to provide informed consent and the fact that they may not have a suitable parent or care giver acting protectively.

We support the provision is justified to ensure that steps can be taken to protect victims from ongoing stress or fear that could be caused by continued access by an offender or the public to such an intimate image or recording. In relation to children and young people this can lead to peer bullying and result in self harming or suicidal thoughts.

### ***Consultation***

In relation to consultation, given PACT's long-term experience dealing with child and young person victims of crime, we would have appreciated being included in the initial consultation with the other Key Stakeholders identified.

### ***Consistency with legislation of other jurisdictions***

We understand the Bill is specific to the State of Queensland. However, the introduction of this legislation will align Queensland with the majority of other Australian jurisdictions.

### ***Closing***

We would like to take this opportunity to say that we believe if ***the Charter of Victim's Rights*** were adequately enforced and embedded into the Policies and Procedures of all key stakeholders, many of the communication challenges faced by victims and their families would be addressed.

PACT is very grateful to be consulted about this important issue. Should your staff require clarification or further information on any of the issues raised, please do not hesitate to contact Mrs Jo Bryant, PACT's Chief Executive Officer on telephone [REDACTED] or email [REDACTED].

Thank you for the opportunity to provide comment on this important legislative review. We trust our input has been of value.

Yours sincerely



Alexandra Marks  
**Chairperson**



Jo Bryant  
**Chief Executive Officer**